

the State branch of the party Mr Jamieson had to leave the chair. There was nobody else who could sway the argument. Mr H. D. Evans joined in the debate and said—

There is not one forester in the south-west who would opt for the excision of the Shannon for this purpose. The Shannon was the site of a major sawmill for 20 years. It is not the virgin basin it has been made out to be.

Later on, for Mr Claughton's benefit—

The Hon. R. F. Claughton: I was there.

The Hon. A. A. LEWIS: The member's memory gets shorter and shorter, because the president of the Western Australian Timberworkers' Union (South-west Land Division), Mr R. McCallum, spoke out against Labor politicians who had criticised the wood chipping industry. He lives down there; he knows something about it. He said—

If it was not for the esteem in which Mr Evans is held in the Warren area, Labor would lose a big number of votes on this.

Would any member of this Chamber think that the big Labor policy reversal had not been made just for political purposes? Will the party change again at its conference in two years' time?

Mr Evans makes comments about all sorts of people, including myself. He has said nasty things about what he considers to be my new-found interest in forests and wood chipping. I think seven or eight years ago was the first I had ever heard of wood chips. For Mr Evans' information, my family and I have had more than something to do with trees for many years. We have brought more species of trees to Australia than Mr Evans.

The Hon. R. F. Claughton: You are talking about logs!

The Hon. A. A. LEWIS: But that does not matter. Mr H. D. Evans can make that sort of criticism and then talk about meetings of the group intent upon saving the south-west.

What could explain the absence of Mr Lewis is that he had walked up to Mr H. D. Evans at that particular meeting and said, "Hello". However, Mr H. D. Evans tried to use the Press as a political medium. He cries when someone criticises him in *The Blackwood Times*, but he is prepared to say anything for a little publicity.

Mr Bartlett from Donnybrook had written to both the *South Western Times* and *The Blackwood Times*, but would Mr H. D. Evans answer his questions? No.

Let us consider the Bill a little more deeply. Like Mr Ferry, I believe it will

give great impetus to private pine growers because of the help the Forests Department will be able to give them.

I am tickled pink that the Forests Department will be able to borrow money, because I am sure that in the future it will do so for tourism, recreation, and so on, as well as purely for forestry needs.

It gives me great pleasure to support the Bill because the people of the south-west have for years wanted a Government which was firm enough to indicate what it knew would occur to the forests in the future. They have one now; and I do not think the Labor Party should ever forget that it was Sir Charles Court who brought the wood chipping industry to Western Australia, and it was Sir Charles Court who enabled those men in the south-west to find jobs. Virtually the Labor Party tagged on behind as it always does because it has no initiative in any matter. I support the Bill.

THE HON. N. E. BAXTER (Central—Minister for Health) [6.02 p.m.]: First of all I express my appreciation to Mr Claughton who, on behalf of the Labor Party, indicated support for the legislation; to Mr Ferry for his very interesting speech on the legislation and the timber industry; and to Mr Lewis for his contribution.

There is nothing more to say other than what has already been said, so I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

DOG BILL

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

House adjourned at 6.06 p.m.

Legislative Assembly

Tuesday, the 7th September, 1976

The SPEAKER (Mr Hutchinson) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (18): ON NOTICE

1.

ELECTORAL

Commonwealth-State Roll

Mr JAMIESON, to the Minister representing the Minister for Justice:

What is the latest development in the arrangements between the Federal and State Governments in providing a single electoral enrolment system?

Mr O'NEIL replied:

See reply to Question 12 of 13th April, 1976. There have been no further developments.

2.

SHELL FISH

Farming: Warnbro Sound

Mr TAYLOR, to the Minister for Works:

With respect to a proposal reported in the *Sound Advertiser* to farm shell fish on a floating raft in Warnbro Sound:

- (1) Has his department indicated any form of acceptance of the scheme in communications with the principals of the group involved?
- (2) Has his department generally satisfied itself with respect to the scheme?
- (3) Has his department recommended to him either acceptance of the scheme, or alternatively, that he indicate no objection to the scheme?
- (4) If "Yes" to (3), when does he expect to be able to make a decision on the matter?

Mr O'NEIL replied:

- (1) No.
- (2) to (4) The scheme to farm shellfish in Warnbro Sound involves other departments in addition to the Harbour and Light Department and the final decision on the proposal will rest with the Government.

3.

SHELL FISH

Farming: Warnbro Sound

Mr TAYLOR, to the Minister for Fisheries and Wildlife:

With respect to a proposal reported in the *Sound Advertiser* to farm shell fish on a floating raft in Warnbro Sound:

- (1) Has his department indicated any form of acceptance of the scheme in communications with the principals of the group involved?
- (2) Has his department generally satisfied itself with respect to the scheme?
- (3) Has his department recommended to him acceptance of the scheme or alternatively that he indicate no objection to the scheme?
- (4) If "Yes" to (3), when does he expect to be able to make a decision on the matter?

Mr P. V. JONES replied:

- (1) to (4) A proposal for shell fish farming using rafts in Warnbro Sound, is currently being considered by me, and I anticipate being in a position to make a decision within two weeks.

4.

LAND FOR HOUSING

Sale before Subdivision

Mr BATEMAN, to the Minister representing the Attorney-General:

- (1) Is land sold under terms of contract for housing when it has not been subdivided for that purpose?
- (2) If not, why not?

Mr O'NEIL replied:

- (1) and (2) It is difficult to understand what is meant by the wording of this question. If the question is intended to be—"Can land be sold for housing when it has not been subdivided for that purpose?"—then I would assume it referred to the sale of an unsubdivided lot—that is a 'lot' as defined in the Town Planning Act. There was never anything to stop the sale of a large subdivisible lot for housing purposes, just because it was not then subdivided.

Until 1969 the sale of part of an unsubdivided lot was prohibited by s 20 of the Town Planning Act. Now, by the enactment of s 20B of that Act, sales of this sort are permitted, provided that the requirements of the new section are met. Where land is sold subject to subdivision and it transpires that the subdivision cannot be effected, s 20 (1) (b) of the Town Planning Act now entitles the purchaser to recover his money.

5.

HEALTH

Body Scanner

Dr DADOUR, to the Minister representing the Minister for Health:

- (1) Has a decision been made as to whether the State's medical service needs a whole body scanner?
- (2) If "Yes" which hospital is to have it?

Mr RIDGE replied:

- (1) and (2) A decision has not yet been made.

6. MENTAL HEALTH

*Institutions and Hostels:
Allowance to Inmates*

Dr DADOUR, to the Minister representing the Minister for Health:

- (1) Does the State give an allowance for those people in institutions or hostels who are registered under the Mental Health Act?
- (2) If "Yes"—
 - (a) how much per person per day;
 - (b) when was it first introduced;
 - (c) is there any proposal to increase the subsidy?

Mr RIDGE replied:

- (1) Yes. Hostel proprietors receive an allowance for each person referred by Mental Health Services. At the present time there is no statutory registration under the Mental Health Act. Amendments to this Act, which will require licensing, will be proclaimed in the near future.
- (2) (a) \$1 per person per day.
(b) 1969.
(c) No decision has been made to increase the subsidy.

- (4) (a) If "Yes" to (3), what action does he intend to take;
- (b) If "No" to (3), what redress is available to the Manjimup Apple Exporters Syndicate?

Mr OLD replied:

- (1) and (2) The syndicate was advised on the 8th April that representatives of the Fruit Shippers' Committee had agreed as individuals to export syndicate fruit to UK/Continent markets at a cost no greater than the figure originally quoted by a single exporter for their total entitlements.
The single exporter was however not a party to this undertaking; and I understand that the 83c per bushel contractual f.o.b. rate was based on the entire entitlement of the syndicate being exported by him.
- (3) and (4) No such assurance was given. My recommendation referred to space allocations in relation to which an arbitrator was nominated.
The matter of redress would appear to depend upon syndicate members being able to demonstrate that a breach of contract has occurred.

7. APPLE EXPORTS

Freight Rates

Mr H. D. EVANS, to the Minister for Agriculture:

- (1) Did he inform the Manjimup Apple Exporters Syndicate by telegram on 8th April, 1976, that the W.A. Fruit Shippers' Committee had agreed that its members would ship apples at a cost no greater than the figure quoted by a single exporter for the export of the total entitlement of fruit of the syndicate members and it was his strong recommendation that the syndicate accept the offer made by the shippers?
- (2) Is he aware that one member of the W.A. Fruit Shippers' Committee has refused to charge the Manjimup Apple Exporters Syndicate the agreed f.o.b. rate of 83c per bushel and has increased its charge by 8c per bushel, amounting to a total of \$1 951.68?
- (3) In view of the assurance contained in his telegram of 8th April, 1976, that members of the Manjimup Apple Exporters Syndicate would suffer no financial disadvantage and his strong recommendation of acceptance, does he propose to take any action to ensure that the Manjimup Apple Exporters Syndicate members will not sustain any loss?

8.

FRUIT

Tree-pull Scheme

Mr H. D. EVANS, to the Minister for Agriculture:

- (1) What is the total amount which the Federal Government proposes to make available for the tree-pull scheme?
- (2) Of this amount what sum will be available for tree pull in Western Australia in the current financial year?

Mr OLD replied:

- (1) \$2.1 million is available for the current (1976-77) scheme and applications close on the 31st December, 1976.
\$1.1 million of this amount is a carry over from the \$4.6 million allocated to the initial scheme.
- (2) Western Australia's allocation from the \$1.1 million carry over is \$40 000.
The additional \$1 million will be allocated to States as applications are received.

9.

MINERAL CLAIMS

No. 70 Series: Approval

Mr H. D. EVANS, to the Minister for Mines:

- (1) Has he approved the recommendation of the Perth mining warden to grant mineral claims Nos.

70/14170, 70/14171, 70/14173, 70/14178, 70/14222, 70/15600 and 70/15601?

- (2) What is the total amount of State forest which these claims cover?
- (3) Has drilling or any other mining activity been carried out on any of these claims, and if so, which ones?
- (4) Has approval for mining on any of these claims been sought?
- (5) Does the forest disease *phytophthora cinnamomi* occur in State forest between Kirup and Grimwade?

Mr MENSAROS replied:

- (1) Mineral claims 70/14170, 70/14171, 70/14173, 70/14278 and 70/15601 have been approved. Dealing with applications 70/15600 and 70/14222 has been postponed pending the results of drilling carried out on the approved claims.
- (2) 671.38 hectares.
- (3) The activity reported to the department is:
Six boreholes are reported to have been drilled on the mineral claims. Two holes were drilled on MC 70/14173 to test for minerals. Four holes were drilled on MC 70/14278. Three tested for minerals and the fourth will be used to monitor groundwater conditions.
- (4) Not since the application approvals.
- (5) *Phytophthora Cinnamomi* has been recorded in some areas of State forests between Kirup and Grimwade.

10. MINING

State Forests: Kirup-Grimwade

Mr MAY, to the Minister for Mines:

- (1) Referring to question 2 dated 24th August, 1976, will he advise if the five applications which were approved in the Kirup-Grimwade area were investigated by the Department of Conservation and the Environment?
- (2) If so, will he indicate the recommendation of that particular department?

Mr MENSAROS replied:

- (1) No. Under the conditions of approval, an environmental review and management programme must be submitted and approved before mining (other than drilling) will be permitted.
- (2) Not applicable.

11.

MINING

Iron Ore: Royalties

Mr MAY, to the Premier:

- (1) Will he detail the royalties paid by each iron ore company operating in the Pilbara?
- (2) Is there any specific amount received from royalties directed to be spent in the north-west of Western Australia?
- (3) If not, will he indicate the reason why a portion of the royalties is not set aside for improving conditions in the north-west?

Sir CHARLES COURT replied:

- (1) Royalties paid by the producing iron ore companies in the Pilbara for the financial year 1975-76 are as follows—

	\$
Mt. Newman Mining Co. Pty. Limited	13 520 359
Hamersley Iron Pty. Limited	16 772 074
Goldsworthy Mining Limited	4 336 460
Cliffs Western Australian Mining Co. Pty. Ltd.	1 755 969

- (2) No. All revenues from royalties are paid into Consolidated Revenue Fund from which all services for the State, including those for the north, are met.
- (3) The Constitution Act provides that all State revenues, including royalties, rents and other revenue from mining shall be paid into Consolidated Revenue. This requirement ensures that disposition of Government revenues is subject to scrutiny and annual appropriation by Parliament.

I also refer the member to Part (1) of the answer to Question 10 of 3rd May, 1972 on page 1190 of *Hansard*.

12. *This question was postponed.*

13. MIDLAND JUNCTION ABATTOIR

Capital Expenditure and Trading Results

Mr H. D. EVANS, to the Minister for Agriculture:

- (1) What amount has been spent at the Midland abattoir on capital expenditure in each of the past ten years?
- (2) What has been the annual loss sustained by the Midland abattoir in each of the past ten years?

- (3) What profit or loss has been made by the Midland abattoir on its trading in meat in each of the years it has been conducting this operation?

Mr OLD replied:

(1) Financial Year	Capital Expenditure \$
1966-67	577 911
1967-68	483 479
1968-69	835 121
1969-70	1 415 953
1970-71	2 947 229
1971-72	2 793 021
1972-73	1 453 820
1973-74	1 972 681
1974-75	487 420
1975-76	217 671

(2) Financial Year	Annual Result \$	Profit/Loss
1966-67	151 709	Loss
1967-68	128 176	Loss
1968-69	35 014	Profit
1969-70	307 273	Loss
1970-71	721 431	Loss
1971-72	410 731	Loss
1972-73	90 824	Loss
1973-74	303 502	Loss
1974-75	1 557 440	Loss
1975-76	167 895	Profit

(3) Financial Year	Meat Trading Result \$	Profit/Loss
1971-72	750	Profit
1972-73	27 585	Profit
1973-74	66 093	Loss
1974-75	158 690	Loss
1975-76	175 031	Profit

Source: Midland Abattoir Board's Annual Reports.

14. TOWN PLANNING

Mundaring Shire: Subdivisions

Mr MOILER, to the Minister for Urban Development and Town Planning:

With reference to the non-residential areas of the Mundaring Shire Council:

- (1) Over the past six months, how many applications for subdivision submitted to the Town Planning Board have been—
 - (a) supported by the Mundaring Shire Council;
 - (b) opposed by the Mundaring Shire Council;
 - (c) agreed to by the Town Planning Board;

- (d) agreed to by way of appeal to the Minister for Urban Development and Town Planning?

- (2) Of the applications supported by the shire council and not permitted by the Town Planning Board,

- (a) how many were advised by correspondence that their application was supported by the shire council;

- (b) how many were advised that the applicants had a right of appeal to the Minister for Urban Development and Town Planning?

Mr RUSHTON replied:

- (1) and (2) This statistical information is not readily available and would involve considerable departmental time to extract.

I suggest this information may be available to the member from the Mundaring Shire Council.

15. TOWN PLANNING

Swan Shire: Subdivisions

Mr MOILER, to the Minister for Urban Development and Town Planning:

With reference to the non-residential areas of the Swan Shire Council:

- (1) Over the past six months, how many applications for subdivision submitted to the Town Planning Board have been—

- (a) supported by the Swan Shire Council;

- (b) opposed by the Swan Shire Council;

- (c) agreed to by the Town Planning Board;

- (d) agreed to by way of appeal to the Minister for Urban Development and Town Planning?

- (2) Of the applications supported by the shire council and not permitted by the Town Planning Board,

- (a) how many were advised by correspondence that their application was supported by the shire council;

- (b) how many were advised that the applicants had a right of appeal to the

Minister for Urban Development and Town Planning?

Mr RUSHTON replied:

- (1) and (2) This statistical information is not readily available and would involve considerable departmental time to extract.

I suggest this information may be available to the member from the Swan Shire Council.

16. ELECTORAL

Metropolitan Boundary Delineation

Mr HARMAN, to the Premier:

Who was the person or persons who drew the line separating the metropolitan area from the rural areas in respect of the Electoral District Act which was recently amended?

Sir CHARLES COURT replied:

See reply to Question 21 of 2nd September, 1975 (*Hansard* page 2383/2384).

17. CENTRAL AVENUE, WATSON PLACE, AND KIRKHAMHILL TERRACE

Realignment

Mr HARMAN, to the Minister for Urban Development and Town Planning:

What is the current position in respect of the consideration to re-align Central Avenue, Watson Place and Kirkhamhill Terrace for a future link road to the Swan River freeway?

Mr RUSHTON replied:

Alternatives suggested during discussions relating to the Central Avenue/Watson Place proposal are being examined. When that work is completed, the Metropolitan Region Planning Authority will confer with the City of Stirling regarding any proposed amendment to the Metropolitan Region Scheme. This should be within the next two or three weeks.

18. WOOL RESEARCH TRUST FUND

Allocation to Western Australia

Mr SKIDMORE, to the Minister for Agriculture:

- (1) Would he advise as to how much of the \$18 million that has been seconded from the Wool Research Trust Fund for programmes on

sheep and wool research in 1976-1977 has been allocated to Western Australia?

- (2) What are the research projects that are to be investigated in this State with the funds so provided?

Mr OLD replied:

- (1) \$432 750.

- (2) (a) Western Australian Department of Agriculture.

\$

(1) Evaluation of new cultivars of subterranean clover for established pastures in the south-west	28 300
(2) Evaluation of new early maturing crossbreds of subterranean clover for the wheat-belt	12 150
(3) Nutrition and ewe fertility	8 200
(4) Effect of weaner nutrition and time of birth on reproductive development in merino ewes	1 000
(5) Simplifying work in shearing sheds and sheepyards ..	5 000
(6) Use of low level photography for the assessment of range conditions in the pastoral areas	8 500
(7) Investigation into the cause and effect of annual ryegrass toxicity of livestock	23 400
(8) Identifying problems in changing flock sex structure	3 300
(9) Postgraduate training, University of New South Wales	4 300

TOTAL \$94 150

- (b) University of Western Australia.

\$

(1) Oestrogenic activity in pasture legumes	19 100
(2) Protein and energy metabolism of the ruminant	18 500

(3) Regeneration of subterranean clover after defoliation	12 800
(4) Zinc supplementation of grazing sheep (survey) ..	10 700
(5) Subterranean clover gene pool—evolution rejuvenation, creation of a data bank	5 700
(6) Sheep presentation and shorn wool removal for automated shearing	19 500
TOTAL	\$86 300
(c) PA Consultants—wool harvesting	\$50 000
(d) Western Australian State Advisory Committee—wool harvesting	\$10 000
(e) Farm management foundation—courses in farm management	\$15 000
(f) CSIRO Programmes D and E—Management of rural lands and management of rangelands	\$177 300

QUESTIONS (4): WITHOUT NOTICE

1. COURT OF CRIMINAL APPEAL

Appeal Cases

Mr BERTRAM, to the Minister representing the Attorney-General:

With reference to the Criminal Code Amendment Bill (No. 2) second reading speech—

- (1) How many cases has the Court of Criminal Appeal dealt with whilst lacking jurisdiction?
- (2) How many others who had instituted appeals at the time of the court's ruling will in fact be enabled to have their appeals heard without further leave of the court?
- (3) How many persons is it expected were contemplating appeal at the time of the prisoner's decision to appeal?

Mr O'NEIL replied:

It is impossible to give any accurate answer to this question in the time available. It would require

a search through many years of records. The answer I have is—

- (1) So far as the present Crown prosecutors can remember, the Court of Criminal Appeal has dealt with some 25 appeals and has probably varied the sentences in four or five cases only.
- (2) It is thought that there were one or two other appeals actually instituted at the time the relevant decision was given. That decision itself related to appeals by three persons.
- (3) It is not known how many were contemplating appeal at the time of the decision, but it is thought that there were two or three who had been sentenced after committal, who were then still in the period allowed for appeal and could have instituted appeals if they had so desired.

2.

SHADOW MINISTERS

Reference in Newspapers

Mr MAY, to the Minister for Industrial Development:

- (1) Has the Minister written to a number of provincial newspapers expressing concern at Press statements appearing in their newspapers from Opposition shadow Ministers?
- (2) If "Yes", will he indicate the reason for this extraordinary and unusual action?

Mr MENSAROS replied:

- (1) and (2) I have not written to a number of country newspapers but I notice that one—I think it was somewhere in the south-west—used the title of shadow Minister all the time. I pointed out to the newspaper that this is not a parliamentary expression, there is no legal background for it and the most the newspapers should use is the phrase "spokesman for the Opposition". However, I have not complained about the subject matter of any statement by anyone from the Opposition.

3. COMMERCIAL GOODS VEHICLES

Axle Loading

Mr SKIDMORE, to the Minister for Transport:

- (1) Is it the Government's intention to amend the legislation covering permissible axle loading of commercial goods vehicles during this session of Parliament?

- (2) If "Yes" to (1), will the Minister advise what charges are contemplated?

Mr O'CONNOR replied:

I thank the honourable member for notice of the question the answer to which is as follows—

- (1) No. Firm decisions have not been taken on changes to the existing Vehicles Standards Regulations, 1975, and the Road Traffic (Vehicle Weights) Regulations, 1975, which are currently being reviewed.
- (2) It is likely that any changes will be influenced by the recommendations of the study of the economics of road vehicle limits recently completed by the National Association of Australian State Road Authorities.

4. UNEMPLOYMENT

Seasonally Adjusted Percentage

Mr HARMAN, to the Minister for Labour and Industry:

- (1) Is it a fact that the percentage of registered unemployed in Western Australia for the month of August on the seasonally adjusted figures was 4.4 of the work force?
- (2) Using the seasonally adjusted figures for August, would the number of unemployed in Western Australia be 23 408?

Mr GRAYDEN replied:

- (1) and (2) Without having been given any notice of the question I am not in a position to give the honourable member the information he requires, so I ask him to put it on the notice paper. But he is alluding to another matter; that is, the decision to drop seasonally adjusted figures.

The SPEAKER: Was the question asked on this?

Mr Harman: No.

Mr GRAYDEN: It was alluding to it.

The SPEAKER: I am afraid the Minister is not able to proffer information as a result of part of a question asked, when no query was raised about the matter.

Sir Charles Court: He was just trying to be helpful, Mr Speaker.

EDUCATION ACT AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by Mr Grayden (Minister for Labour and Industry), and read a first time.

BILLS (2): REPORT

1. City of Perth Parking Facilities Act Amendment Bill.
 2. Companies (Co-operative) Act Amendment Bill.
- Reports of Committees adopted.

PARLIAMENTARY COMMISSIONER ACT AMENDMENT BILL

Second Reading

SIR CHARLES COURT (Nedlands—Premier) [4.55 p.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill is to make certain comparatively minor changes to the existing legislation to enable the Office of the Parliamentary Commissioner to function more efficiently.

The decision to introduce the Bill has been made after careful consideration by the Government and in the light of experience of the operation of the Office of the Parliamentary Commissioner since its inception some four years ago.

As members will recall, the parent legislation was based very largely on the New Zealand Act which was the first of its type in the English speaking world. Despite the original nature of that legislation, it has proved effective over the years, but experience has shown some improvements are necessary. This also has been illustrated by similar Acts passed subsequent to our own in other States.

The purpose of these amendments is not to widen the jurisdiction of the office nor to increase its powers, but rather to provide additional safeguards and minor changes to enable advantage to be taken of experience both here and in other States.

The parent Act provides for a Parliamentary Commissioner or Acting Parliamentary Commissioner to be sworn in only by the Speaker. Recent experience has shown there can be a vacancy in the office of Speaker and also at the same time there may be no President of the Legislative Council. For these reasons it has been found necessary to provide the oath may be administered in the absence of the Speaker by the President of the Legislative Council or, if both offices are vacant, by a person to be nominated by His Excellency the Governor.

Section 15 of the Parent Act contains an important provision which allows either House of Parliament or a committee of either House or a joint committee of both Houses to refer to the commissioner for investigation and report any matters which the House or committee considers should be investigated by him. In its present form this right is very wide indeed and it is considered desirable to restrict it so Parliament cannot require the commissioner to investigate a matter beyond

his jurisdiction. The amendment envisaged would remove any possibility of the power given by this section being used to involve the commissioner in matters which might be far removed from the type of problem for which the office was designed to deal.

One of the most important rights of the commissioner relates to his authority to call for any relevant documents in the possession of a department of Government or State instrumentality. Experience has shown a similar power is required in relation to the investigation of complaints against local government authorities.

Experience has shown also that it is necessary to clarify the powers of the commissioner in relation to the use of documents which come into his possession. As members are aware, the commissioner and every member of his staff have taken an oath of secrecy which prevents the disclosure of information received except for the purpose of the investigation in hand. There is no such prohibition binding either complainants, departments, or local authorities. For the purpose of protecting both authorities and complainants alike it is desirable the commissioner should have power to prohibit the disclosure of information sent by him to either authority or complainant.

The proposed amendment is framed in this way as a total prohibition on the disclosure of any document would have been undesirable. The proposed power would be sufficient to enable the commissioner in appropriate cases to prevent the improper use of any document received from him.

There is also another aspect of the same problem which requires clarification. Under the provisions of the parent Act there is no privilege attached to any document passing to or from the commissioner and it is considered this may create a situation of some danger for the parties or even the commissioner himself. If investigations are to be effective a frank disclosure of information is essential. It is also necessary a complainant be able to express his complaint fearlessly and without the risk of facing an action for defamation. To achieve this purpose it is considered desirable all original documents prepared specifically for the purpose of the investigation should be absolutely privileged and not admissible in any proceedings.

The proposed amendment does not confer privilege or inadmissibility on other material sent to and from the commissioner in the course of an investigation. It is necessary to limit the operation of that section in that way, because otherwise both complainants and departments could frustrate the ordinary rights of litigants by sending their whole files to the commissioner, thus rendering every document on the files inadmissible for future proceedings. Since the other documents on

the files would not have been prepared specifically for the purposes of the investigation, they will not attract privilege or be inadmissible under the proposed amendment.

There are a number of minor amendments updating the parent Act in regard to the right of re-employment of a commissioner who had previously served in the Public Service, another which clarifies a small point of jurisdiction, and one which clarifies the right of the commissioner to report progress to a complainant; but these in no way amount to changes in the principles of the legislation.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bertram.

SECURITY AGENTS BILL

Second Reading

MR O'CONNOR (Mt. Lawley—Minister for Police) [5.02 p.m.]: I move—

That the Bill be now read a second time.

Currently there is no legislation in Western Australia to administer or control the functions of firms or individuals who engage in the business of protecting or guarding property. This legislation has been brought down to remedy the defect.

It is intended to eliminate acts of harassment which have occurred in other parts of the world and which tend to intimidate, embarrass, ridicule, or shame property owners; and to prevent pressure being applied to force persons to pay protection money.

The Bill provides for persons engaged in the business of security to be vetted, thus preventing unsuitable persons having access to premises in the course of their duties.

Protection of property is part of the charter of the Police Department and therefore, under the terms of the Bill, it is the responsibility of the Commissioner of Police to satisfy himself as to the bona fides and character of all applicants before a licence is granted.

The laws relevant to the subject in the other States have been studied and it has been found that legislation similar to this has operated successfully and without difficulty.

The provisions of the Bill will apply to all persons employed as security agents or guards. A security agent is defined as a person who undertakes to supply guards, including himself, for protecting or watching any property on behalf of another person, for remuneration. A guard is in the direct employ of, or who is acting for, a security guard, to patrol, protect, or guard property for remuneration.

The Bill excludes from its provisions Commonwealth and State police officers, members of the Commonwealth Defence Forces, and Commonwealth and State public servants where they are engaged in their official duties.

The general administration of the legislation is vested in the Commissioner of Police, who will designate a police officer to function as the licensing officer.

Three types of licence are provided for—a general licence, a restricted licence, and a temporary licence. In addition there is power to prescribe by regulation a separate category of licence for a particular purpose.

A licence may be subject to any conditions relating to the class of business and its functions, its locality, its supervision and control, and such other conditions as the licensing officer believes should be imposed.

The issue of a licence is restricted to an individual. A licence may not be held by a firm or corporation, but may be held by an individual on behalf of a firm or corporation.

Before granting or renewing a licence, the licensing officer is required to satisfy himself that adequate management and supervision will be provided to safeguard the public interest, and that the education of the applicant, his intelligence, and his knowledge of the English language, are sufficient to enable him to carry out the duties of the licence held.

Licences, other than temporary licences, will remain in force for 12 months. A temporary licence is valid for three months. Applications for licences are to be made to the licensing officer and are to include a fee, to be prescribed by regulation, and be accompanied by two character testimonials.

Prior to submitting his application, an applicant is required to publicise his intention in a newspaper circulating in the area in which his business is to be located.

Where an application for a licence is made by an individual on behalf of a firm or corporation, the licensing officer shall satisfy himself not only as to the bona fides of the individual but also as to the fitness and repute of the firm on behalf of which the licence is to be held. Where a licence is held on behalf of a firm, the firm itself will primarily be responsible for observing the requirements of this legislation, but the holder of the licence is not absolved from this responsibility.

Objection to the granting or renewal of a licence may be made by any person by notice in the prescribed form to the licensing officer. Where the licensing officer does not propose to issue a licence, or where an objection to its issue has been received, the application is to be referred to a Court of Petty Sessions for hearing

and determination. Any party may be represented by a solicitor or agent at these hearings.

Where a licensee has been guilty of improper conduct or dishonesty, or has offended against the provisions of the legislation he may be summonsed to appear before a Court of Petty Sessions which may suspend or cancel his licence.

A register of all persons holding licences and of firms or corporations on behalf of which a licence has been issued is to be kept by the licensing officer. The register will be available for scrutiny on payment of a fee.

The legislation requires the licence holder to produce his licence where appropriate. It forbids the sale of licences or the delegation of functions, and the licence holder may not engage a person who has been refused a licence or whose licence is under suspension.

There is power under the legislation to make regulations to prescribe a means of identification. Regulations may also be prescribed to require a licensee to maintain a record of particulars of his business, which is to be available for inspection by the licensing officer, or any police officer or duly authorised person.

On the authority of the Commissioner of Police, a licensee is required to produce for inspection all records, accounts, documents, etc., and to supply information in respect of them and furnish authorities and orders to banks and other financial institutions for the production of documents in relation to this legislation.

Similarly, the managers of prescribed financial institutions shall disclose particulars of accounts when demanded to do so in writing by the Commissioner of Police. The Bill also provides powers of search where offences are suspected.

I think I have dealt with the most important provisions of the Bill and I commend it to the House for consideration.

Debate adjourned, on motion by Mr T. H. Jones.

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

MEDICAL ACT AMENDMENT BILL

Second Reading

MR RIDGE (Kimberley—Minister for Lands) (5.10 p.m.): I move—

That the Bill be now read a second time.

The Bill seeks to amend the Medical Act in several respects. Members will be aware that the Medical Act is the Statute under which the practice of medicine is regulated in this State.

The principal amendment is to impose a time limit on foreign doctors who register in Western Australia so that they will take up practice here within a reasonable period.

Of recent months the board has been deluged with applications from doctors in countries where political conditions are threatening to become unstable. It is known that these doctors have applied to other States and countries. It is unlikely that many of the applicants will ever take up practice in this State. The result is that the board has been inundated with such a volume of work that its operations are being disrupted, and about one name in three on the medical register is a doctor who has never practised, and probably will never practise, in Western Australia.

The Bill has also made provision for the board to raise its fee for initial registration and the annual practice fee.

Doctors admitted to the register as regional or auxiliary service entrants are required to serve for three months in a major Perth hospital. There are cases where interstate or overseas experience is adequate. The Bill proposes to give the board a discretion to accept experience outside the State where it is satisfied with an applicant's background.

Where a doctor has been struck off the register or suspended from practising for a period the board is not always satisfied that full rights to practise should be restored immediately the period expires. In some cases an extension of suspension is considered justified; in other cases the board feels that resumption of practice should be allowed only if appropriate conditions are met.

The planning of medical services requires knowledge of the number and distribution of doctors, and particulars of the kind of practice operated by those who are specialists. There is provision in the Bill for the registrar to gather this information at the time that licences to practise are renewed.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Davies.

NURSES ACT AMENDMENT BILL

Second Reading

MR RIDGE (Kimberley—Minister for Lands) [5.12 p.m.]: I move—

That the Bill be now read a second time.

The Nurses Act which came into force in 1968 created a board to carry out the administration of the Act.

The board has 15 members, 10 of whom are registered nurses. Both graduate nurses and nursing aides are registered under the Act. The respective numbers are approximately 12 000 graduate nurses and 2 500 nursing aides.

Nursing aides have no representation on the board. The Government believes it would be advantageous to the board and to nursing aides collectively if representation were granted.

The Bill proposes that the membership of the board be increased to 17 by the addition of two nursing aides. This is achieved by adding a new paragraph (1) to subsection (1) of section 9 of the Act. It also proposes that the quorum, presently set at eight by section 11 of the Act, be raised to nine to reflect the increase in board membership.

Debate adjourned, on motion by Mr Davies.

DOG BILL

Council's Amendment

Amendment made by the Council now considered.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr Rushton (Minister for Local Government) in charge of the Bill.

The amendment made by the Council was as follows—

Clause 27, page 19, line 23 to page 20, line 7—Delete subclauses (1) and (2) and substitute two new subclauses as follows—

(1) Where, pursuant to the provisions of section 26, a council imposes a limit on the number of dogs over the age of three months, or the number of such dogs of any specified breed or kind, that may be kept on any premises situate in a specified area, and a person proposes to keep dogs to which such a limit applies in numbers exceeding that limit on premises that are not exempt from the limitation he shall apply for the premises in question to be licensed as an approved kennel establishment.

(2) A person who keeps, or permits or suffers to be kept, any dog over the age of three months of a breed or kind to which that licence applies at an approved kennel establishment otherwise than in accordance with the licence relating to that establishment commits an offence.

Penalty: One hundred dollars in respect of the initial conviction and thereafter ten dollars daily for so long as the offence continues.

Mr RUSHTON: I move—

That the amendment made by the Council be agreed to.

In the original Bill there was an anomaly relating to the licensing of kennels, in that a person could be required to keep on his property a greater number of dogs than the limit prescribed in the local council by-laws before applying for a kennel licence. The amendment clarifies the position and provides that a person will be required to obtain a kennel licence before proceeding with the kennel development.

I think the amendment puts the Bill in order and I ask members to accept it as one which is in accordance with the intentions of the legislation.

Mr JAMIESON: This amendment appears to be justified. Sometimes discrepancies occur when new legislation is introduced to replace an old Act and we should block up as many loopholes as possible at this stage to avoid amendments in the future. I see no harm in the amendment, and the Opposition supports it.

Question put and passed; the Council's amendment agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

RACECOURSE DEVELOPMENT BILL

Second Reading

Debate resumed from the 24th August.

MR McIVER (Avon) [5.17 p.m.]: The Bill before us is to establish a racecourse development trust and to make provision for a racecourse development trust fund to assist country racing clubs to improve their facilities. The Bill will be welcomed by the racing fraternity generally, and I indicate from the outset that the Opposition supports it, although during the Committee stage I propose to move an amendment for the purpose of increasing the membership of the trust from four to six. I have handed the Minister a copy of this proposed amendment.

Despite what some people may feel about racing and trotting in Western Australia, in country areas it is an important industry, and I would like to indicate just how important it is. I will relate my remarks to the regional centre around Northam because I know in this area racing is important to the economy of the community. Hundreds of people attend meetings in this area particularly for such races as the McIver handicap, the Northam Cup, and other important events.

Mr O'Neil: The only thing they cannot do up there is play football!

Mr McIVER: Last financial year the racing club at Northam expended \$34 500 in direct wages to bar, course, tote, secretarial, track, and casual employees. It is interesting to note that 90 per cent of these employees reside in the Northam district. I give these figures to indicate the

importance of this industry to Western Australia and I repeat that the measure before us will be welcomed by the executive and committees of the racing fraternity. These clubs have not escaped inflation and they are finding it increasingly difficult to meet their financial obligations.

On a race day at Northam the racing club employs an average of 80 people, of whom at least 72 are local residents. In addition, the contract caterer employs another 20 local ladies every race day. Each person attending a race meeting would spend about \$3 to \$5 on food, drink, etc., and when we consider that several thousand people attend each meeting, members will realise the assistance this industry renders to the economy of country districts.

Country racing clubs have been hard hit by the increased costs imposed by this Government, and I refer particularly to water charges which were increased 300 per cent. Money allocated to clubs under the provisions of this legislation will be of great assistance.

I will now turn to the Bill itself. The trust is to consist of four members to be appointed by the Minister. One member is to be recommended by the Treasurer—no doubt this person will be the chairman of the trust—one member is to represent the Western Australian Turf Club; one is to represent the Western Australian Trotting Association; and one member is to represent the Totalisator Agency Board. I notice that the member appointed by the Treasurer is to be a public servant and the first question I ask the Minister is: Why is this provision necessary? The Minister may have a reason but it is not spelt out in the measure.

I believe it is necessary to increase the membership of the trust to six to enable representation on the trust of country racing and trotting clubs. I will not dwell on that matter at this stage because I am aware that I will have ample opportunity to do so during the Committee debate. The Minister is directly connected with the racing fraternity and he well knows that country people like to make decisions for themselves. There is a feeling of distrust when decisions affecting country activities are centralised in a capital city. Country people like to participate actively in the decision making of an organisation such as the proposed trust. I respectfully suggest the Minister gives consideration to my proposed amendment.

I would like now to refer to the racecourse development trust fund itself. The Government will supply 25 per cent of the unclaimed dividends and this amount will be supplemented by a similar sum from the turf and trotting clubs as these bodies share the TAB services. There is nothing wrong with that proposal, and as I indicated earlier, it will be much appreciated. However, I would like to seek clarification about the question of loans and grants.

The Bill provides that either loans or grants will be allocated to racing and trotting clubs in Western Australia for facilities. However, I would like clarification about the criteria to be used in determining whether an allocation is to be by way of a loan or a grant. Let us say, for example, that a country club requests assistance for a judges' stand or for an extension of water for a grass track. What criteria will be used to decide whether this money will be a loan or a grant? I can see a great deal of conflict arising if one club receives a grant and another club receives a loan. I believe this matter should be clarified as the Bill is not specific on this point. Of course we would all like to receive a grant rather than a loan.

The Bill does not tell us the rate of interest applicable to loans. Will it be a nominal rate of interest, or will the trust be able to vary the rate of interest in different circumstances? Several committee members of different racing and trotting clubs in the area I represent have asked me about this matter and I would like the Minister to clarify it.

At this stage I do not feel it is necessary to dwell on the measure further. It is a small Bill and really it contains two proposals only; that is, the setting up of the trust and the setting up of the trust fund.

I ask the Minister to consider the points I have raised, and particularly my proposed amendment. I would like also his comments on the matter of priority. For example, I could not imagine a grant being made to a racing club in some remote area in the Kimberley or the Pilbara in preference to a club in a country area which holds frequent meetings and attracts good attendances. Will the grants be on a first-come-first-served basis? I feel that there must be some balance because certainly the trust will be inundated with requests to improve facilities in many areas.

I have indicated that the Opposition is not opposed in any way to the legislation before us. I will elaborate on my foreshadowed amendment during the Committee debate. I commend the Government on the introduction of this piece of legislation which I believe will be very beneficial to racing and trotting in country areas and will improve the economy of the industry. I have much pleasure in supporting it.

MR. H. D. EVANS (Warren—Deputy Leader of the Opposition) [5.30 p.m.]: I join with my colleague, the member for Avon, in supporting this legislation. At the same time, however, I should like the Minister to clarify a number of points. The Bill's first purpose is to establish a trust comprising four members, one nominated by the Treasurer, one nominated by the Western Australian Turf Club, one nominated by the Western Australian

Trotting Association, and one to be a representative of the Totalisator Agency Board.

I believe the Minister should qualify these specific nominations to be made to this trust body in the light of an objection raised some months ago following considerable Press publicity given to the intention of the WATA to centralise country trotting activities at a number of selected courses. I understand the intention was to reduce the overall number of country courses from 21 to nine. This proposal has evoked a strong reaction from my area, and I should like to deal specifically with this matter.

I believe the implementation of such a proposal would have a detrimental effect on the trotting industry in Western Australia. The Bridgetown Trotting Club is one which has expanded considerably in recent years. In the last five years, it has moved from a reasonably large deficit to quite a respectable credit, and has established facilities which by country standards are excellent. This has been achieved by the club efforts with the assistance of the local shire, which has offered support through loans and in other ways.

As a consequence of this development, the club represents a most desirable asset for the area and has generated a good deal of support extending, I suppose, some 70 miles southwards. In all, it receives support from a very large area. I understand there are some 26 owner-drivers in the Bridgetown-Manjimup district. If Bridgetown's trotting activities were to be centred at Collie, it would make it prohibitive for the ordinary owner-driver—the sort of person who trains only one or two trotters—to continue in the industry. The additional distances involved in attending trials and meetings would not permit the ordinary individual to participate as he now does.

In addition, the WATA discussed this matter singly with the country clubs; it did not bring up the matter with the country clubs *en masse*, to establish the points of view of those clubs; it simply floated the suggestion on a series of individual bases. The WATA claimed such a move would benefit the trotting industry generally by strengthening the metropolitan courses.

However, this logic is very difficult to follow, and appears to be erroneous. By implementing such a proposal, probably 20 of the 26 owner-drivers in the Pemberton-Manjimup district would be lost to the sport; immediately, a number of horses would not be trained, and an additional number of enthusiasts associated with these people would leave the industry. I believe this experience would be reflected throughout the State, and would have an effect on the metropolitan trotting industry.

Mr O'Connor: You believe this will occur if we remove that track?

Mr H. D. EVANS: Yes; it must represent a loss situation to trotting generally. This will be the situation no matter which area is affected. If we attempt to centralise trotting activities at adjacent towns such as Harvey and Pinjarra, people will be lost to the industry. Local clubs take a great pride in running their own fixtures, and the removal of such clubs from the official list would bring tremendous repercussions. This would be a very human reaction, and one which could well be anticipated.

This proposal was advanced only a few months ago, but already the reaction from country areas has been sufficient to make the WATA have second thoughts. However, hard on the heels of the suggestion put forward by the WATA is the Bill now before the House. It must leave a question mark in the minds of everybody who has had anything to do with this issue.

Mr O'Connor: I believe this proposal came only from the WATA—I do not know whether the Western Australian Turf Club has put forward such a proposal.

Mr H. D. EVANS: That is correct; the proposal would have affected only the trotting industry. It appears a little more than coincidental that this Bill should come forward at this time, and the Minister should endeavour to clarify the matter to remove any such suggestion and thereby relieve the anxiety currently felt in country areas.

The Bill's objective in seeking to establish a trust fund from which moneys can be disbursed to country trotting and racing clubs is a worthy one which will only help racing in this State—provided, of course, that it does not affect existing funding arrangements. I believe this last point to be very important, but no mention was made of this matter in the Minister's second reading speech. Perhaps the Minister could make a categorical statement in this connection.

As to the basis of the establishment of the fund, the Government will contribute 25 per cent of unclaimed dividends and refunds held by the TAB. The Minister informed us that in the first year of operation of the fund, the total of unclaimed dividends and refunds will be \$582 304, allowing an amount of \$145 576 to be paid to the fund. The proportional contribution by the WATC will amount to \$87 346, and the contribution by the WATA will be \$58 230, giving a total of \$291 152 to be paid to the fund in its first year of operation. This is a modest sum when one considers the number of clubs in operation. Obviously, there will be many requests in the first year of operation, and the fund may find itself short of finance. Nevertheless, this is a good start, and the Government is to be commended for its action.

The present funding received from the TAB represents about 75 per cent of stake moneys and a subsidy on two-year-old and three-year-old races. Although this is not a great amount, it is of some help. It applies to TAB courses and provides clubs with a definite income without which I doubt they could function throughout the year. The Bridgetown club receives about \$1 200 a month. At present, the TAB pays 6 per cent to general revenue, and profits are paid on a 60:40 basis. I do not know how greyhound racing will be affected. Certainly, there would be an amount of unclaimed dividends, and an objection could be raised from greyhound racing circles.

Mr O'Connor: I have conferred with the member for Avon on this matter and I intend to move an amendment. I will provide the details during the Committee stage.

Mr H. D. EVANS: I believe this matter should be clarified, because it has been something of a worry to country trotting clubs. If these matters are not elucidated now, there will be no reference back to them, and disputes could arise.

In my view, the biggest practical problem will occur in the disbursement of funds. There are to be four members on the trust, and they will be required to make a decision.

Mr McIver: Six.

Mr H. D. EVANS: I do not foreshadow the success of any amendment moved in a place like this. It will be a fair responsibility on these four trust members to distribute the \$291 000 which is expected to be available in the first year of the fund's operation. No indication appears to have been given as to whether the clubs will receive preferential treatment because of geographical location, or whether the metropolitan parent clubs plan initially to single out major centres for preferential treatment. Obviously, that would be the case if the proposal advanced some months ago by the WATA is implemented. Even if the existing smaller tracks are retained as training tracks, the WATA proposal will not benefit trotting in any way.

What priorities or formula will be followed in the distribution of these funds? Will it be left to the discretion of the trust members? These points need to be clarified so that they are understood beyond any shadow of doubt.

Country trotting and racing clubs could well be at a disadvantage if they are not represented on the trust. They, of course, are more familiar with their own problems. In the past, friction has occurred between country and metropolitan clubs and, if care is not exercised, this friction could increase. I for one would not like to see such a situation if it could be avoided. The practical way to maintain and, indeed, increase the harmony between country and metropolitan clubs is to ensure the country clubs are represented on this

body so that funds will be distributed in such a way that they will not develop certain clubs to the neglect and detriment of others.

The question of how we are to make a grant as distinct from a loan inevitably will be a ticklish one, whatever the composition of the trust. Should guidelines be laid down for trust members to follow, or should projects of urgent priority be given grants at the discretion of the trust? For example, the Rural Reconstruction Authority has such a discretion.

Should eligibility criteria be laid down? By sheer necessity, the clubs which are in parlous financial straits will receive the greater proportion of grant moneys, as distinct from loans. The question of disbursement of trust funds probably is the whole crux of the legislation. Due to the limited representation on the trust, abrasion could occur in this area, when clubs which have been looking forward with considerable anticipation to the ultimate decision of the trust are disappointed.

Like the member for Avon, I join in commending the Bill. However, the several matters I have raised need to be clarified. I hope the Minister will agree to the amendment proposed by my colleague relating to the composition of the trust, because without the amendment being agreed to I cannot see the harmony, which he hopes will result in much goodwill and *bonhomie* from the passing of this piece of legislation, being achieved. It is on that note that I support the Bill.

MR WATT (Albany) [5.46 p.m.]: I would be remiss if I did not rise to my feet to comment on the Bill before us. I have no personal or very great interest in racing and trotting, but I readily acknowledge that both sports—which are followed by a great number of people—enjoy considerable popularity in Albany.

For many years the Albany Racing Club conducted its annual racing season at Centennial Oval, which was used as a racecourse, a show ground, and a sporting oval. This was most inconvenient for all concerned.

This year the new Percy Spencer racecourse was opened by the Premier, and I have been told by experts in horseracing that it is one of the finest tracks in the State, outside of those in the metropolitan area. A great deal of voluntary work has gone into the establishment of that course. Naturally, it has been very difficult for those responsible to provide the required facilities for patrons, other than the track itself.

For many years horseracing has been conducted in Albany, but a couple of years ago a trotting ground also was established. The trotting club was formed a few years before that time, and it conducted trotting meetings occasionally at the Wagin trotting ground which is a long way from Albany. That was where the Albany Trotting Club had to go to conduct its meetings to get administrative experience.

The members of the Albany Trotting Club similarly have put in a great deal of voluntary effort to establish the trotting ground, but they too were confronted with the problem of providing the necessary facilities, such as car parks, grandstands, etc., which take many years to develop.

I believe that country people, especially those who are interested in the sport of racing and trotting, commend the Bill. Its introduction will refute the argument we frequently hear from many country people who consider that they have been disadvantaged as compared with the metropolitan area. I am therefore particularly pleased that the Bill does deal specifically with country racecourses.

I hope it will be only a matter of time before the Albany Racing Club gets the green light to conduct its meetings with Totalisator Agency Board betting. That would bring about a chain reaction in benefits by increasing the number of meetings, increasing the stakes, and of course increasing the patronage, so that the sport of racing at Albany will reap the benefits down the line.

At its 150th anniversary celebration next year Albany will be conducting a big race meeting at the Spencer Park racecourse. I understand the stake money for that meeting will be the highest ever offered in the country districts of Western Australia. So, we can see big things are happening in the racing and trotting world at Albany.

I also commend the Bill to the House, because it has special significance for country people, and it has very special significance for the people in my electorate. I can see nothing but good for the people who support the sport of racing and trotting coming from the passage of the Bill.

MR T. D. EVANS (Kalgoorlie) [5.49 p.m.]: I would like to join with other members in commending the Bill. In my contribution I have only two main observations to make. Firstly, I think the birth certificate of this legislation has been delayed, and it should have made its appearance a long time ago. Secondly, I believe it is fitting for me to pay a tribute to Mr Alan Scahill. I know that whilst he was a member of the Western Australian Turf Club committee and a member of the Totalisator Agency Board he worked on this proposal for a long time. It is only fitting that after many years of work, and after his retirement from the committee of the WA Turf Club, his efforts have come to fruition.

The member for Avon has explained the mechanics of this measure, and the Deputy Leader of the Opposition has touched upon the fact that the moneys which the Treasury will be required to channel into the trust fund generated from a percentage of the unclaimed dividends and unclaimed refunds. Surely

some of those moneys must have been generated by the forgetful and neglectful patrons of greyhound racing. By way of interjection I heard the Minister make a comment that he proposed to place an amendment on the notice paper.

Mr O'Connor: I did hand it in a while ago.

Mr T. D. EVANS: Not knowing what the amendment contains, I say the Bill does not go far enough. It is true that there is to be a development fund for greyhound racing, but this fund only attracts money generated by greyhound racing through the TAB. The money in the greyhound racing development fund is not to be met by contributions from the Treasury. Secondly, there is no statutory obligation on the money in the greyhound development fund being generated in country areas.

I believe the measure before us which, in fact, has regard for the very many problems that surround and inhibit country racing and trotting, evidently will prevent greyhound racing from getting off the ground in country districts. In that regard the Bill is deficient, but I intend to support it.

In February last I wrote to the Premier asking for consideration to be given to the issue of a Government guarantee to finance the establishment of greyhound racing at Kalgoorlie. I was writing on behalf of a group in Kalgoorlie which wanted to promote greyhound racing. I asked for a committee to be appointed, consisting of an officer from the Treasury, an officer from the Greyhound Racing Control Board, and a committee member of that group, for the purpose of looking at the feasibility of establishing greyhound racing at Kalgoorlie. It was the considered opinion of the committee that the Premier should consider the giving of a Government guarantee for the capital moneys required.

In his reply dated the 2nd April last the Premier said—

I refer to your letter of 10th February in which you asked for consideration to be given to the issue of a Government guarantee for \$120 000 to finance the establishment of a greyhound racing facility at Kalgoorlie.

I have given a lot of thought to this proposal but regret that it is not possible to accede to your request.

In the first place, there would seem to be no statutory authority for the Government to guarantee a loan on behalf of a greyhound racing club.

I dispute the claim of the lack of statutory authority. I believe that greyhound racing, similar to horseracing and trotting, is in fact an industry. I believe they all come under the Industries Assistance Act.

Be that as it may, let us assume the Premier was correct in indicating that there was no statutory authority for the Government to grant such a loan. I am

dismayed that now, when an opportunity is presented for such statutory authority to be made available, no provision has been included in the Bill to cover greyhound racing in that respect.

I conclude my contribution on that note. It could well be that when the text of the Minister's amendment is made known my remarks might be irrelevant; however, I wish to have them recorded.

MR O'CONNOR (Mt. Lawley—Minister for Police) [5.54 p.m.]: I thank members for their general support of the Bill which, as they pointed out, will do a great deal firstly in the coming year, and then in the years ahead, to develop racing throughout the country areas and to make available the required facilities on country tracks.

Before replying to the points which have been raised in this debate, I would support the comment made by the member for Kalgoorlie in giving credit to Mr Alan Scahill for the wonderful work he did for racing in Western Australia, and for his efforts in setting up a racecourse development fund.

I am sure most members are aware of the work that has been done by Mr Scahill. For quite a number of years he was a member of the committee of the WA Turf Club, and a member of the Totalisator Agency Board. I believe he was one of the members who were originally responsible for acquiring land for the Turf Club at Bullcreek, which became the means of developing the Belmont racecourse extensively. Mr Scahill is a very competent businessman, and he did a great deal for the country racing clubs prior to his resignation as a member of the TAB, and a member of the committee of the Turf Club. It was because of age that Mr Scahill had to retire from the Turf Club. I therefore join with the member for Kalgoorlie in paying a tribute to Mr Alan Scahill for the wonderful work he has done.

In supporting the Bill the member for Avon put forward several queries which I shall endeavour to answer. He queried why the chairman of the trust should be a public servant. There are several reasons for that. Firstly, it is essential for a trust like this one to be under some Government control. Secondly, it will be the means of keeping the costs down. The trust fund will be administered through the facilities available at the TAB, without cost to the country clubs. We will therefore have the maximum amount of money available to develop tracks in the country. This was a proposal put to me by the TAB, and I see some merit in it. It will enable more funds to be allocated to country areas than would otherwise be the case.

If the facilities are established at Northam or other centres, they will prove to be very costly whereas if we can use the existing facilities of the TAB the costs will be reduced considerably.

Another point brought forward by the member for Avon and others related to the membership of the trust. We have recommended that the trust shall comprise four members. Frankly I did give consideration to the appointment of six members, and in that regard I conferred with the various clubs and the TAB. I also conferred with the Chairman of the Country Racing Association who is resident at Northam, and the Chairman of the Country Trotting Association. I felt it would be to the advantage of all concerned if the members of the trust represented parties that were directly responsible for payments into the fund.

Funds are to be provided by the Government, and its two representatives on the trust will be the representatives from the TAB and the Treasury. They will contribute half of the total funds, which runs into \$250 000. I hope these funds will be increased quite substantially.

The other half of the funds will be contributed by the racing and trotting clubs in the proportion of 60 per cent and 40 per cent respectively. Those clubs will each have a representative on the trust.

I have also given consideration to what should be done in cases where there should be country representation on the board. I have had discussions with the parties involved, and I have advised the racing and trotting clubs, the Treasury, and the TAB what I want them to do. I told them when they went to country areas to look into the development of a track, a member from the area concerned should be consulted.

The SPEAKER: I would ask the Minister not to bring in too much Committee debate.

Mr O'CONNOR: I was making some comments to answer points that have been raised.

The SPEAKER: I feel sure the Minister will discuss these matters in Committee.

Mr O'CONNOR: In general members have supported the Bill. In the Committee stage I shall indicate why we desire to bring in members representing areas where tracks are to be developed.

Another query that was raised related to whether the money to be made available was to be a loan or a grant. I think this aspect also could be left to the Committee stage, but I should mention it briefly now. If I go too far I feel sure that you, Mr Speaker, will let me know.

There might be a case where a country club required a sum of \$80 000 in order to construct a facility. That facility could provide a return of \$10 000 a year. It would not be unreasonable in such a case to spread the original outlay of \$80 000 to enable a number of clubs to receive

some benefit. Instead of one club borrowing the whole of the \$80 000 it could borrow \$50 000 and pay the balance at so much a year. The money repaid to the trust would be used to assist other clubs and they would be able to obtain facilities which otherwise would not be available to them for many years.

The trust will be able to guarantee a loan to a club, so that the club can borrow the necessary money from a bank. Instead of having to lend an amount of \$60 000 or \$70 000 to be repaid over a number of years, the trust will be able to reduce the amount of the loan to, say, \$20 000 on which a bank would lend money. As the money is repaid, other clubs will be assisted. I believe the trust will provide a wonderful boost for country racing clubs.

One hundred per cent of the funds will go to country clubs, and I believe the result will be that many people from the metropolitan area will take their horses to country meetings.

The member for Warren mentioned that the Bridgetown Trotting Club had written to some clubs expressing the opinion that the number of provincial trotting clubs should be reduced.

Mr H. D. Evans: The Western Australian Trotting Association took that action.

Mr O'CONNOR: The Western Australian Trotting Association?

Mr H. D. Evans: Yes, not the Bridgetown Trotting Club.

Mr O'CONNOR: The WATA advised Bridgetown?

Mr H. D. Evans: Yes.

Mr O'CONNOR: The WATA did write to a number of clubs indicating that it wanted to consolidate provincial clubs. This Bill has no connection with that matter. In the drafting of the legislation no thought was given to a reduction in the number of country clubs. Our thoughts were that we should improve the facilities available for the people involved and the people who participate in the sport of racing.

I have already indicated that I intend to amend the Bill, and the member for Kalgoorlie commented on the amendment. The fund will be established by paying into it 25 per cent of unclaimed dividends from the TAB. Some of those unclaimed dividends are derived from greyhound racing, and it is considered that proportion should not be included. It will not be a substantial sum, but it will be placed on one side.

Mr McIver: Would the Minister comment on the rate of interest to be charged on the loans?

Mr O'CONNOR: The interest rate will vary from time to time. The trust will guarantee the loan, and the repayment of interest.

Mr McIVER: So at this stage the interest rate is not known?

Mr O'CONNOR: Bank interest rates vary from time to time.

Mr McIVER: It will be bank interest rate?

Mr O'CONNOR: I presume it will be. There may be some variation in the years to come, but I anticipate that it will be the ruling bank interest rate. I commend the second reading.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Connor (Minister for Police) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Racecourse Development Trust—

Mr McIVER: I move an amendment—
Page 3, line 1—Delete the word "four".

I believe the trust should consist of six members, for the reasons I mentioned earlier. I am not satisfied that what is intended will, in fact, be achieved. The appointment of a representative of country trotting and racing clubs would eliminate any friction which could result from decisions reached by a central body and affecting country people.

I appreciate the point raised by the Minister that in the allocation of funds the trust will co-opt a person from the area concerned, but I can see problems arising from that procedure. The person to be co-opted might not always be available, whereas a permanent representative of country people, on the trust, would be far more acceptable. It is preferable to have a permanent representative from the outset, rather than a co-opted representative as intended by the Minister.

Mr H. D. EVANS: I support the amendment moved by the member for Avon and I agree with the reasons given for his amendment. It is necessary for the country clubs to feel they have direct representation, and that their wishes and desires will be considered. It should not be an indefinite arrangement.

I presume the Minister is suggesting that the position of the trust will be comparable to that of a land board where usually the president of the local shire council concerned becomes part and parcel of the land board in making a determination in a particular area. I assume that if the trust moved into the great southern, the president of the regional trotting association of that area would be co-opted as a member of the trust. That does seem to be a little clumsy.

My predilection is to support the member for Avon for the reasons he has put forward. Alternatively, the Minister

should clarify his intention in the Bill. That would be much more acceptable and satisfactory from the point of view of the country clubs.

Mr HARTREY: I, too, would like to support the amendment proposed by the member for Avon. I strongly feel that too often the people not living in the metropolitan area imagine the boundaries of the State of Western Australia are the Darling Range and the Indian Ocean on the east and west, the City of Stirling in the north, and Fremantle in the south. I do not see why country people should have no representation at all in matters of this kind. Trotting and galloping are both enthusiastically followed in the parts of the State outside the area I have delineated, and when funds are available for distribution those areas should participate. I hope the Committee will accept the amendment.

Mr O'CONNOR: I acknowledge the comments made by members but I do not propose to accept the amendment. The total amount of these funds must be expended outside the metropolitan area.

I gave consideration to increasing the membership of the trust, but if we increased it to six the Government would have no control over it and I think the Government should have some control.

Mr McIVER: Why would the Government have no control if it were increased to six?

Mr O'CONNOR: If we increased the membership to six, with the addition of the two representatives suggested by the honourable member, irrespective of which party was in Government no action could be taken.

Mr H. D. EVANS: Would it be a bad thing?

Mr O'CONNOR: When Government funds are being spent the Government must have some control. I conferred with the Chairman of the Country Racing Association, who is in the Avon electorate, and he indicated quite clearly he was happy with the representation of four. It is intended to invite local representatives to participate whenever the trust is in a country town. I oppose the amendment.

Mr H. D. EVANS: For the Minister to say he would like some country participation whenever the trust visits a country area seems to be a little nebulous. There should be something more specific, even if it is done by way of regulation, to ensure there is country participation. The kind of involvement is by no means clear.

Mr O'Connor: I will be happy to give consideration to a regulation.

Mr SHALDERS: I have sympathy with the amendment but I do not intend to vote for it. I believe the member for Avon has made a reasonably valid point. However, the reasons for opposition to the

amendment, as outlined by the Minister, are also worthy. I am in somewhat of a dilemma.

Several members interjected.

Mr SHALDERS: At least I am honest enough to say that. I do not sit in my seat like members opposite with a muzzle on my mouth, bound by a Caucus decision which I dare not criticise.

I believe country people should have a certain say in the application of these funds, but the amendment provides for only two country members, one of whom might come from the Albany electorate and the other from the Avon electorate. There are country people in my electorate who have probably the strongest country racing and trotting clubs outside the metropolitan area and who might think representatives from other country districts would show favour to their own areas.

I support the Minister but I hope that a review will be made of the situation after 12 months and if experience shows it to be desirable or necessary because the provisions of this Bill are not found to be working satisfactorily, perhaps an amendment along the lines suggested by the member for Avon could then be made.

Mr McIVER: What has been said by the Minister and the member for Murray has reinforced the argument for country representation. The use of the word "review" in the context of Parliament means that nothing will be done. I want something more specific. I want the matter to be determined here and written into the Bill while it is in front of us. On other occasions we have been told a matter will be reviewed, and that is the end of it.

Sitting suspended from 6.15 to 7.30 p.m.

Mr McIVER: Prior to the tea suspension I explained to the Minister my reasons for seeking greater representation on the trust. I feel that the Government members who spoke earlier tonight—the member for Albany and the member for Murray—agree with the principle contained in my amendment. Both members indicated that in their areas racing plays a prominent part and that it is really an industry. In fact, both members substantiated my remarks.

The Minister told us that an extra two members on the trust would mean less control for the Government representatives. I do not agree with that, and indeed, I feel this move would strengthen the trust. I would like to take this principle a stage further and suggest that country trotting and racing organisations be permitted to elect their representatives to the trust. I feel this would improve the situation further.

The Minister said that friction and jealousy will arise in regard to some decisions of the trust. I concur fully with this remark, but we must look at the

matter in perspective. I am sure the chosen representatives will be balanced and judicious in their determinations.

Members of this Chamber who represent country electorates usually tell us of the needs of their areas when they speak to the Address-in-Reply. Here is an opportunity for these members to support my amendment so that country areas can be represented on this trust.

I have stated already that there is nothing wrong with the legislation but I do sincerely ask the Minister to look at it again in an endeavour to avoid friction in the future. I am sure the people he nominates to the trust will be dedicated and conscientious, but surely my request is not an unreasonable one. There is no political mileage to be gained, but I feel the industry and the community would benefit from it. I will not prolong the debate further, but simply ask the Minister to give due consideration to my amendment for the reasons I have enunciated.

Mr O'CONNOR: I have already indicated that I am not keen on increasing the membership of the trust. I considered this proposal previously; I have some sympathy for it, and in view of the remarks made by members generally I am prepared to formulate an amendment to be moved in another place. Such an amendment would provide that when a matter concerning a particular centre is to be determined a representative of that country centre would be nominated to the trust for discussion purposes.

Mr T. H. JONES: I listened intently to the Minister's remarks, and I would like to ask him this question: Would such a representative have voting power?

Mr O'Connor: No.

Mr T. H. JONES: I would not support such a move. Government members referred to problems which would arise in the selection of representatives of country trotting and racing clubs. I would like to point out that no problems have arisen in regard to the appointment of representatives of the Country Shire Councils' Association to the Road Traffic Authority. Apparently this representation to the authority has caused no problems and so many of the arguments advanced by the member for Murray and the member for Albany have relevance—

Mr Watt: Pardon me, I did not raise this matter.

Mr T. H. JONES: I am sorry, the member for Murray mentioned it. Everyone went along with the principle that a representative of the Country Shire Councils' Association should be appointed to the Road Traffic Authority, and indeed, members on this side of the Chamber thought that the membership of the authority should have been extended

further. Clearly the Government recognises that the Country Shire Councils' Association should be represented on the authority, and all we are seeking here is similar representation to this trust which will control the disbursement of the fund. Although the Minister has argued against the principle tonight, he was the Minister in charge of the Bill which provided for similar representation on the Road Traffic Authority. I support the amendment moved by the member for Avon.

Mr MOILER: In his second reading speech the Minister said—

This fund will make finance available to country racing and trotting clubs under such conditions as are deemed appropriate by the body administering the fund for such purposes as improving facilities on existing racecourses . . .

The trust to be set up will be composed of people residing in the metropolitan area who will be asked to decide about the distribution of trust fund moneys to country areas. Surely the trust should have representatives of the very areas for which it is being established; that is, the country areas. We on this side of the Chamber believe that representatives of country racing and trotting clubs should have a voice on this trust. Is this centralism in our State? Of course it is—it is the very centralism that the Premier has stated he opposes so strongly.

Mr Watt: If it were centralism, the money would not be allocated to country areas.

Mr MOILER: Who controls the racing clubs? When the Tonkin Government was in office, the racing clubs were strong enough to achieve an amendment to the Parliamentary Commissioner Act so that the Ombudsman could not inquire into the activities of racing clubs and trotting clubs. The Minister is now saying that these very people can direct where the money is to be spent in country areas, without country representatives having a voice in the matter.

Mr O'Connor: Are you saying there are no country people on the WATA and WATC?

Mr MOILER: There may well be, but I am not saying they get a sufficient vote. One has to have the numbers.

Mr O'Connor: What do you mean by that?

Mr MOILER: The country racing and trotting clubs have no representation on this body which is to be set up on the pretence that country areas will be helped.

Mr O'Connor: "On the pretence . . ." What a lot of nonsense! All of the money has to go to country areas. You ought to look at the Bill.

Mr MOILER: I have.

Mr O'Connor: You said, "on the pretence that we are going to help country areas".

Mr MOILER: Yes, because there is to be no country representation on the trust.

Mr O'Connor: How do you know?

Mr MOILER: Because of what the Minister said in the second reading debate.

Mr O'Connor: I said nothing of the sort. There could be a country representative on the WATC and the WATA.

Mr MOILER: The Minister said this fund will make finance available to country racing and trotting clubs under such conditions as are deemed appropriate by the body administering the fund; but the country trotting and racing clubs will have no representatives on the body. Why should they not have the opportunity to nominate representatives? The present Government insists that country areas should be represented when it comes to local government, but not in this case. The Minister concluded his speech by saying—

The basis of contributions to the fund, the composition of the trust, and the purposes of the fund are acceptable to the Treasurer, the Totalisator Agency Board, the parent bodies of racing and trotting, and the country racing and trotting clubs . . .

I doubt that very much. The Minister has offered to them something they are not receiving at the moment, from the funds which become available from unclaimed bets.

Mr O'Connor: Not all of them.

Mr MOILER: Well, most of them.

Mr O'Connor: No.

Mr MOILER: These are unclaimed wagers.

Mr O'Connor: You had better look at the Bill.

Mr MOILER: It is 25 per cent of unclaimed wagers.

Mr O'Connor: Twenty-five per cent of the unclaimed dividends; but that is only part of the fund. The rest of it comes from the WATC and the WATA who will provide 60 per cent and 40 per cent respectively.

Mr MOILER: So 25 per cent of the unclaimed dividends will now go to country clubs, and that has not been the case in the past; is that right?

Mr O'Connor: No.

Mr MOILER: Well, they will not collect 25 per cent of the unclaimed dividends, and if they have not received that money in the past they will be happy to accept it now. However, why should they not have a voice in the way the money is distributed?

Amendment put and a division taken with the following result—

Ayes—17	
Mr Bateman	Mr Hartrey
Mr Bertram	Mr Jamieson
Mr Bryce	Mr T. H. Jones
Mr B. T. Burke	Mr May
Mr T. J. Burke	Mr McIver
Mr H. D. Evans	Mr Skidmore
Mr T. D. Evans	Mr Taylor
Mr Fletcher	Mr Moller
Mr Harman	

(Teller)

Noes—22	
Sir Charles Court	Mr O'Neill
Mr Cowan	Mr Ridge
Mrs Craig	Mr Rushton
Mr Grayden	Mr Shalders
Mr P. V. Jones	Mr Sibson
Mr Laurance	Mr Sodeman
Mr McPharlin	Mr Stephens
Mr Mensaros	Mr Tubby
Mr Nanovich	Mr Watt
Mr O'Connor	Mr Young
Mr Old	Mr Clarko

(Teller)

Ayes	Pairs	Noes
Mr Barnett	Mr Grewar	
Mr Carr	Mr Coyne	
Mr J. T. Tonkin	Mr Crane	
Mr A. R. Tonkin	Dr Dadour	
Mr Davies	Mr Blaikie	

Amendment thus negatived.

Clause put and passed.

Clauses 5 to 9 put and passed.

Clause 10: Racecourse Development Trust Fund—

Mr O'CONNOR: I indicated earlier in the debate that I would move an amendment to this clause, which provides that the amount paid annually by the Treasurer into the proposed development trust fund will be 25 per cent of the unclaimed dividends and refunds arising from bets on racing. We want to make it clear that this applies to horseracing and trotting, as distinct from greyhound racing, and that unclaimed dividends in respect of greyhound racing are not included.

I move an amendment—

Page 7, line 22—Add after the passage "1960" the words "during the last preceding racing year".

Amendment put and passed.

Mr O'CONNOR: To complete the proposal I move an amendment—

Page 7, lines 24 and 25—Delete the words "during the last preceding racing year" and substitute the words "which originally became payable in respect of bets made on galloping and trotting horse races".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 11: Application of Fund—

Mr McIVER: I understand that if a loan is allocated from the trust fund, it must be repayable at bank interest. Is that correct?

Mr O'Connor: I said I presumed that to be the position.

Mr McIVER: If that is so, the trust will be lacking in punch. It will be no different from a loan provided by a bank to a trotting club for the development of a particular project. I believe moneys allocated from the fund should be at concessional rates of interest.

Mr O'Connor: I was referring to the situation where the clubs borrowed from banking sources.

Mr McIVER: From my interpretation of this clause, moneys borrowed from the trust fund must be repayable at the same rate of interest as moneys borrowed from banking sources.

Mr O'Connor: A loan provided from the trust fund may be at no rate of interest.

Mr McIVER: I should like this point clarified. What will be the actual interest rate? If no concession is to be provided, I cannot see any benefit in loans being made available from this source.

Sir Charles Court: We cannot pre-empt the activities of the trust. It could be that the trust wishes to make available a loan at no interest for the first three years, and at a low interest for the remainder of the loan.

Mr McIVER: The situation needs to be clarified so that the clubs know the amount they will have to repay. The following quote from a letter I received is relevant—

What is to be remembered in dealing with these Clubs is that if a Club does make a profit then of course it is taxed at 42.5 cents in the dollar and although a Club may well be able to cover its running expenses for the year if in fact it does make any sort of a profit then it is going to lose virtually half that profit forthwith in Income Tax to the Australian Government.

This means of course that it is well nigh impossible to save or budget effectively to pay for Capital Improvements.

The Premier by way of interjection has answered this point, and I am now quite satisfied.

Clause put and passed.

Clauses 12 to 14 put and passed.

Title put and passed.

Bill reported with amendments.

BILLS (3): RETURNED

1. Firearms Act Amendment Bill.
Bill returned from the Council with an amendment.
2. Veterinary Preparations and Animal Feeding Stuffs Bill.
3. Offenders Probation and Parole Act Amendment Bill.
Bills returned from the Council without amendment.

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 24th August.

MR McIVER (Avon) [7.58 p.m.]: This Bill is similar to previous Bills discussed in this House, such as the Main Roads Act Amendment Bill. It simply specifies that where a person must submit evidence to a court, there will be a further extension of time; in addition if the person charged has a previous conviction evidence to that effect will not be heard before the present evidence is heard before the court. This provision has been debated and unanimously approved by this House on previous occasions, and the Opposition supports the Bill on this occasion.

Mr O'Connor: Thank you.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

MOTOR VEHICLE DEALERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 26th August.

MR HARMAN (Maylands) [8.03 p.m.]: This Bill is an amendment to the Motor Vehicle Dealers Act and on examination seems to be a very sloppy presentation of an amendment. The second reading speech by the Minister for Labour and Industry seems to have been very badly prepared because it does not really indicate exactly what will happen as a result of this proposed amendment. I hope the Minister, when he arrives, will consider the proposition that I shall put to him that this Bill should be deferred after the second reading stage until he and his officers have had a chance to make an assessment of the comments I intend to make.

The essence of the Bill is contained in the second paragraph of the Minister's second reading speech. He said—

In this industry the vehicles—

I am referring to demonstration vehicles. To continue—

—are acquired by a dealer from a manufacturer and at the former's discretion can be used as a demonstration model vehicle prior to sale.

We all know that the practice in the car industry at the moment is that when a certain number of new vehicles are acquired by a dealer some of them are used as demonstration vehicles. There does not seem to be any rule as to how long those demonstration vehicles are used. There could be occasions when they are used for two months, three months and, I suppose, 10 months, 11 months, or possibly 12 months.

There is no regulation to make a dealer use a demonstration vehicle for any particular period. I am not suggesting that there should be, but I merely point out that it is possible for a dealer to use a demonstration vehicle for any length of time. The next sentence in the Minister's second reading speech was—

At the time of being offered for sale provided the vehicle has been used only as a demonstration vehicle and has a warranty better than that for a secondhand vehicle under the Act, the vehicle will be regarded as still in the category of a new vehicle.

We must remember that a new vehicle is sold under a warranty of 12 months or 20 000 kilometres. Any defect which occurs within 12 months or 20 000 kilometres is remedied by the consumer's access to the warranty provisions. After a demonstration vehicle has been used by a dealer for, say, three months and has travelled 5 000 kilometres, one would expect that the guarantee given to the consumer would be for nine months or for 15 000 kilometres. But there is no mention at all in this amending Bill that that will be the provision that will apply. That is why I argue that this Bill has been presented to us in a very sloppy fashion and the Minister has failed to explain to the House exactly what the new warranties will be for the consumer who buys a demonstration vehicle.

The Minister said in his second reading speech that the warranty for the purchase of a demonstration vehicle is "better than that for a secondhand vehicle under the Act". Under the Motor Vehicle Dealers Act the warranty for a used vehicle more than \$1 000 in value is 5 000 kilometres or three months, whichever comes first. One can imagine that it could be possible under this proposed amendment for an unwise dealer acting unethically to provide a warranty for a demonstration vehicle which would contain provisions slightly better than the warranty provided for a used vehicle but well below what is required for a new vehicle. In other words, if a consumer were sold a demonstration vehicle which had travelled 5 000 kilometres and had been used as a demonstration vehicle for three months, it is quite possible, under this amending Bill, for an unethical dealer to provide a warranty containing provisions slightly better than those in the present Act but well below the provisions that we would hope the dealer would extend to the consumer. Therefore, under those provisions the purchaser of a demonstration vehicle would expect to get a warranty for 15 000 kilometres or nine months.

Mr Sibson: That is correct.

Mr HARMAN: But that proposition has not been spelt out in the legislation. This is not the manufacturing company; this is the Parliament of Western Australia, and we are now concerned with amendments to the Motor Vehicle Dealers Act. We are not concerned with what arrangements are made by manufacturers when they sell cars to dealers.

In its present form the Bill contains a connotation of indecision and sloppiness, which I hope the Minister will recognise. I hope he will return to his advisers and say, "The Opposition has pointed out certain difficulties in this Bill. You should look at the provisions again before they are sent back to Parliament."

The more I think about the matter the more inclined I am to urge that we should oppose the Bill, if the Minister does not give us an indication that he will adjourn the debate so as to allow the consideration I have mentioned to be given.

The other aspect of the Bill which worries me is that no indication has been given by the Minister that the legislation has been considered by the Consumer Affairs Council. One would think that this body, which has been established by the Government to consider all aspects that affect the consumers of Western Australia, should have been given the opportunity to consider the import of this legislation.

No assurance has been given by the Minister that such a step has been taken. I want an assurance from the Minister that that body which looks after the interests of the consumers of Western Australia will be given an opportunity to examine the provisions in the Bill. The Minister might well say that the Motor Vehicle Dealers Board has suggested that this legislation be brought forward. That is probably the reason the Bill is before us, but at the same time this board cannot claim that it represents the interests of the consumers of Western Australia. The body which is concerned with the interests of the consumers is the Consumer Affairs Council.

Because of the indecision of this amendment; because of the difficulties of deciding what sort of warranty will be available to the purchaser of a demonstration model; and because there has been no assurance from the Minister that the Bill has been placed before the Consumer Affairs Council, I suggest to the Minister that he defer the debate until those matters have been considered and his advisers have had an opportunity to study the submissions I have made, so that the Minister will at a later stage be able to give in this House cogent reasons for disagreeing with what I have submitted.

The Minister might well contend that I have nothing to argue about, and that the dealers will conduct their business in an ethical manner. I would point out to him

that since the Motor Vehicle Dealers Board has been in operation it has certainly made gigantic steps to clean up the motor vehicle industry. However, in this industry there are always some people who will take advantage of the law. I do not want to be a party to the passing of a Bill that contains a loophole of which an unethical dealer can take advantage, and by so doing take advantage of the consumers of Western Australia.

This is not a Bill designed to gain political advantage, and there is no reason for a party to advance reasons for not supporting it in order to gain an advantage. All I want is for the questions I have raised and the submissions I have put forward to be considered properly.

I think that in this Parliament the Opposition should be given the opportunity to have cogent and reasonable answers given on aspects of a Bill such as this. To my mind it is a very unpopular measure because it contains so much indecision and so many vagaries; yet the Government hopes we will pass it.

MR GRAYDEN (South Perth—Minister for Labour and Industry) [8.16 p.m.]: The speech of the honourable member who has just resumed his seat could well be described as much ado about nothing. In fact, it is an extraordinary example of much ado about absolutely nothing.

The member for Maylands should realise that in 1975 a Bill was introduced to insert in section 5(1a) the following paragraph—

that is registered under the provisions of the Road Traffic Act, 1974, in the name of the dealer to whom it is sold by the manufacturer for the purposes of demonstration; and

There has been some doubt as to the meaning of that provision, and both the Commissioner for Consumer Affairs and the Motor Vehicle Dealers Board recognised that the provision needed clarification.

The Bill proposes to delete that paragraph and to substitute the following—

(a) that is licensed under the provisions of the Road Traffic Act, 1974 in the name of the dealer by whom it is being sold or offered or exposed for sale and has been used by that dealer for the purposes of demonstration;

Here we have an amendment which will do precisely what the member for Maylands intends the provision should do.

Mr Harman: How?

Mr GRAYDEN: The provision that was introduced previously failed to achieve the objective, and both the Commissioner for Consumer Affairs and the Motor Vehicle Dealers Board have said, "In order to give effect to what was intended, the provision should be amended."

We have heard a long speech from the member for Maylands to the effect that the warranty will be a little better than the warranty for a secondhand vehicle, and that could be anything at all. I would point out to the honourable member that the Motor Vehicle Dealers Act contains a provision which enables anyone, who has received a warranty of this kind and is not satisfied that it has been carried out, to take the matter before the Commissioner for Consumer Affairs who will act as an arbitrator. If both parties do not want to adopt that course of action they can take the case to the lower court. There is provision for that to be done under the legislation.

So the point he is making is covered completely, but he is saying it is not good enough to indicate that the warranty in these circumstances will be better than the warranty for a used vehicle. However, this is the only way in which the provision can be spelt out. Obviously the warranty for a vehicle which has been used for demonstration purposes for nine months will be different from that in respect of a car used for demonstration purposes for one week. So particular provision has been made—

Mr Harman: Where?

Mr GRAYDEN: —for any problem in this regard to be referred to the Commissioner for Consumer Affairs, and also to the Local Court. This covers the issue completely and therefore I say that the statements made by the member for Maylands are so much eyewash.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Blaikie) in the Chair; Mr Grayden (Minister for Labour and Industry) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 5 amended—

Mr HARMAN: As has occurred on so many occasions in this place the Minister has refused to answer the points raised by the Opposition. Instead he has introduced many red herrings such as that the member for Maylands is saying a lot about nothing. I do not believe we are discussing nothing. If I believe that a consumer is being disadvantaged then I must try to ensure that the situation is changed.

The Minister has failed to tell us how the purchaser of a demonstration vehicle will be protected. All he has said is that such a purchaser will get a warranty which is better than the warranty at present provided under the Act. He has not told us how that warranty will be arranged.

The normal warranty provided for a new car is 20 000 kilometres or 12 months. Therefore, if the vehicle has been used

for demonstration purposes for three months and has covered 5 000 kilometres the purchaser would expect a warranty of 15 000 kilometres or nine months, whichever is reached first. However, the Minister has failed to tell us whether, in the Bill before us, this provision will be made.

We could have an unethical dealer who would consider all he had to do was to provide a warranty in excess of the present warranty, which is, for a vehicle worth more than \$1 000, for 5 000 kilometres or three months. The unethical dealer need provide a warranty for only 3½ months—

Mr Sibson: No way in the world.

Mr Grayden: No possible way.

Mr HARMAN: —or 6 000 kilometres. The import of the remarks made by the Minister in his second reading speech is that the car buyer would be entitled to the balance of the warranty which would have been provided had the demonstration vehicle been a new vehicle, but he has not said this in so many words. That is why further discussion on the legislation should be deferred. If it is not deferred, that is up to him. The mantle will rest on his shoulders when consumers are faced with a problem.

He has given consumers a way out by indicating that they can go to the Commissioner for Consumer Affairs and submit a plod which the commissioner can then use in representations to the dealer.

This is the Parliament of Western Australia and under our present legislation we have in black and white what the warranties will be. Let us not reduce them. Let us keep the standards we have developed under the legislation. We have not allowed bureaucracy to make regulations about this matter. We have legislated in regard to the warranties. Now the Minister wants the bureaucracy to take care of the situation. He tells us not to worry about the consumer because he has some sort of remedy by approaching the Commissioner for Consumer Affairs.

I have a great deal of time for consumers. If we consider the situation in recent times we realise that the consumers, by advertisement, sales promotion, and market research, are being manipulated by the giant manufacturers in this country. It is this manipulation which induces them to make certain decisions on what they will buy, but they do not have the expertise or knowledge to make those decisions.

In this day and age they must be protected, and that is what the consumer affairs legislation is all about. That is why the Tonkin Government was the first Government in Western Australia to decide to legislate for consumers. In 12 years the previous Brand-Nalder Government had taken no legislative action at all in this regard despite the fact that every other State in Australia did so. The Tonkin Government in 1971 took the first

initiative in Western Australia on consumer affairs legislation. That legislation of course was successful and the same Government introduced quite a number of other reforms among which was the motor vehicle dealers legislation.

Now the present Government wants to destroy some of the provisions written into that legislation by indicating that it does not care about warranties on demonstration vehicles because if the problem arises the consumers involved can approach the Bureau of Consumer Affairs. The Government is trying to downgrade this legislation provided for the protection of consumers.

It is fairly typical and, I suppose, par for the course for the Liberal Party of Western Australia. My purpose is to protect the consumers. As a result of this amendment, the purchaser of a demonstration vehicle will find that the warranty will be so airy-fairy he will not know where he stands. He will not know whether a dealer is doing the right thing, and giving him the benefit of the balance of a warranty on a new vehicle, or whether he will be subjected to some unethical dealing and receive a warranty slightly in excess of that usually given in the case of a secondhand vehicle.

Mr Grayden: Absolute rubbish!

Mr HARMAN: That might be rubbish as far as the Minister is concerned but surely Parliament should be told the precise terms of the warranties which will apply, and what will happen when a demonstration vehicle is purchased after a dealer has used it for a period of three months, or after the vehicle has completed 5 000 kilometres. What warranty will be given to the purchaser of a demonstration vehicle in those circumstances? The Minister has failed to tell us the precise terms of the warranty which will apply to the purchase of a demonstration vehicle.

Mr Grayden: The purchaser will have the protection of the Bureau of Consumer Affairs and the Local Court.

Mr HARMAN: I want this Committee to be told exactly what the warranty provisions will be; not an airy-fairy statement that the warranty will be in excess of the provisions of the warranty available at present for a used vehicle.

I certainly will oppose this clause until the Minister decides to report progress so that he can come back with a suitable explanation. I consider that to be a fair request by the Opposition. Certainly, the Minister has not been able to provide the information to which we are entitled.

Mr Grayden: Obviously you have not read the Bill.

Mr HARMAN: We want to be satisfied that the purchaser of a demonstration vehicle will not be disadvantaged in any way by the passage of this Bill.

Mr Grayden: I suggest you read the parent Act.

Mr SKIDMORE: I also challenge the Minister on his statements regarding the arguments advanced by the member for Maylands with regard to the warranty a person will receive under the proposed changes to the legislation. I have not been convinced that a person who purchases a demonstration vehicle will have protection through the Bureau of Consumer Affairs. If a purchaser has occasion to challenge a warranty he will not know the terms of the warranty anyway.

The member for Maylands has asked the Minister to produce some evidence that the buyer of a demonstration vehicle will receive a warranty better than that given to the purchaser of a secondhand vehicle, but the Minister has said that it will not matter because the purchaser will be able to go to the Bureau of Consumer Affairs. How will the Commissioner for Consumer Affairs decide whether or not the purchaser has received a fair warranty? The Minister claims that the warranty will be better than that provided for a secondhand vehicle. I doubt very much whether any dealer would be so stupid as to give the purchaser of a demonstration car a new car warranty. It would be more appropriate to give such a purchaser a secondhand car warranty.

Do not let us try to kid ourselves that if the Commissioner for Consumer Affairs can be convinced, the purchaser will win his case because the commissioner will not know what sort of warranty the purchaser should receive. The Minister has not satisfied those on this side of the Chamber that there is any attempt to protect the purchaser of a car in those circumstances.

Mr BERTRAM: I listened carefully to the comments of the member for Maylands and I think he has made out a reasonable case. He pointed out, amongst other things, that the purpose of the principal Act is to spell out in considerable detail the provisions concerning warranties for new cars on the one hand, and warranties for secondhand cars on the other.

The member for Maylands has pointed out—if not expressly, then by inference—that the Bill now before us is not aimed at the honest dealers who practise their trade ethically, but at the other dealers—those who do not. I refer to those who, to use a popular expression of the Premier, peer into the fine print with a view to finding out how to dodge the law—even if it involves obtaining advice from a legal practitioner.

The member for Maylands is not a legal practitioner, but he is conversant with the Act and he has studied the Bill. He has been able to point to a glaring omission in the Bill. Is it not logical, reasonable, proper, and sensible to expect that dealers of a certain type will observe the same loophole and exploit it? Those who listened to the member for Maylands can see the point he has made. Instead of coming to grips with the problem the Minister just

brushes it aside and claims that the parent Act was sloppily prepared, thereby casting aspersions on the House of review for not having had a good look at that Bill. The Minister has demonstrated that the present Government is turning its back on consumer protection.

One of the first moves by the present Government was to change the name of the Consumer Protection Bureau to the Bureau of Consumer Affairs. The member for Maylands pointed out that all the other States in the Commonwealth had legislated in respect of consumer protection, but this State did not follow suit. So once again, with a conservative regime, we follow the other States. We have no initiative at all; it is taken away at every opportunity.

The old conservative Brand Government brought in a Hire-purchase Act in 1959, setting out penalties for all kinds of breaches. The Act operated from 1959 until a new Act replaced it, and not one prosecution was made under it although there were literally millions of transactions each year, if not each month. This is another example of the lip service given by this Government, which justifies itself not so much by performance as by propaganda.

We had the spectacle the other day when a new petrol organisation came into this State and proceeded to sell petrol at a substantially reduced price, only to receive chastisement from the Minister for Labour and Industry.

The DEPUTY CHAIRMAN (Mr Blaikie): I hope the honourable member can relate this to the Bill.

Mr BERTRAM: Yes, Mr Deputy Chairman. The member for Maylands says there is too much lip service and not much action. He has put up an excellent case demonstrating the existence of a hiatus in this Bill. He has made it abundantly clear that, instead of grasping the nettle and doing something to make good this hiatus, the Minister simply brushes the member for Maylands aside and chooses not to consider the proposition seriously. That is not good enough.

The Opposition desires that not only are the consumers told they are being cared for but that they are also able to see by the performance of this Parliament that we seriously mean to protect them against those elements in the community—not a great number of them—who exploit consumers because of their trust in and very often their ignorance of the law—the law of which the dealer, and particularly the unethical dealer, is aware. So we are attempting to even it up and give the consumer protection in an area where he would otherwise not get it. The comments of the member for Maylands are thoroughly justified and I agree with them.

Mr GRAYDEN: When amendments in respect of this matter were introduced

into Parliament in 1975, the member for Maylands had this to say on page 3504 of *Hansard* for that year—

Those are all the comments I wish to make. The Opposition supports the Bill. I understand the Motor Vehicle Dealers Association, the Consumer Affairs Bureau, and the Consumer Affairs Council also support the measure. So I am quite happy to see these further amendments made to the Act in the hope that an endeavour will be made to ensure that this legislation which relates to an industry that was really placed on its feet by the Tonkin Labor Government, will provide further protection for those people in the community who contemplate the purchase of a new or secondhand vehicle.

That is what the member for Maylands said in 1975 in respect of those particular amendments. He now comes along and says the Government is obviously intent on allowing individuals to be defrauded, or something to that effect.

In fact, the Government is simply clarifying a paragraph in the Act and, as I have said, the consumer has ample protection in that if there is any query in respect of a warranty he can appeal to the Commissioner for Consumer Affairs or the Local Court. The used car industry, the Motor Vehicle Dealers Association, and the Bureau of Consumer Affairs feel this is all the safeguard that is required. In those circumstances I have no alternative but to reject the remarks of the member for Maylands.

Mr HARMAN: I do not think the Chamber can accept that explanation from the Minister. All he said was that in 1975 I made some very good remarks about the amendments to the Motor Vehicle Dealers Act which were introduced at that time. On that occasion the amendments were supported by all the bodies mentioned in the paragraph the Minister quoted. It may be recalled that I asked the Minister whether the Bill now before us had been presented for the consideration of the Consumer Affairs Council, but the Minister has failed to reply to that question.

Mr Bertram: Why?

Mr HARMAN: One can only assume this Bill has not been referred to the Consumer Affairs Council, and I would say that is a bad omission on the part of the Minister for Consumer Affairs when introducing a Bill dealing with the motor vehicle industry. The Minister appoints the Consumer Affairs Council, which exists for the Minister's benefit, to consider all aspects of consumer affairs in Western Australia, to make reports to the Minister, and to make suggestions about changes in legislation or administrative practices. On this occasion the Minister has not seen fit to refer the amendment

to the council. It is a very sloppy, cloudy, and indefinite amendment, and it will certainly pose some problems for consumers when they are dealing with unethical car dealers.

Mr Grayden: It was put forward at the request of the Commissioner for Consumer Affairs.

Mr HARMAN: We are now told the amendment was put forward at the request of the Commissioner for Consumer Affairs.

Mr May: Very late in the night.

Mr HARMAN: Nothing was said about that in the Minister's second reading speech. Certainly the Commissioner for Consumer Affairs is an officer of the Government and quite distinct from the Consumer Affairs Council.

I am a reasonable man. I have asked only for something which I think is quite reasonable; that is, that the Bill be held over until it has been studied and reported upon by the Consumer Affairs Council, so that the Minister can tell the Chamber what is the determination of the council. The Bill is very cloudy and does not lay it on the line where the consumer stands.

The Minister says if a problem arises the consumer can go to the Bureau of Consumer Affairs. The Bureau of Consumer Affairs presented the legislation to the Minister, so the consumer's recourse is from Caesar to Caesar. The Minister says if the consumer is not satisfied he can go to the Small Claims Tribunal to seek a remedy.

We must come to grips with this matter. This is the Parliament of Western Australia, not the Small Claims Tribunal or the Bureau of Consumer Affairs. We are here to represent consumers and those who might be in the situation of buying a demonstration vehicle. If we pass this legislation we will be saying in effect that we are very hazy about what it will do and that we are not sure what will be the warranty for a demonstration vehicle. If members want to pass that kind of hazy, cloudy, indefinite legislation for the people of Western Australia, they may do so; but I will make it known on as many occasions as possible where members on the Government side stood on this Bill. I will make it known where the member for Bunbury stood on this question. I will make it known where the member for Pilbara and some Ministers stood.

Mr Grayden: What about the Minister for Consumer Affairs?

Mr HARMAN: I will ensure that the mantle will rest on the shoulders of Government members. The Minister has failed to explain to the Committee how this warranty system will work, and he has not referred this Bill to the Bureau of Consumer Affairs. I intend to oppose the clause.

Clause put and a division taken with the following result—

Ayes—23

Sir Charles Court	Mr Ridge
Mr Cowan	Mr Rushton
Mrs Craig	Mr Shalders
Mr Grayden	Mr Sibson
Mr P. V. Jones	Mr Sodeman
Mr Laurance	Mr Stephens
Mr McPharlin	Mr Thompson
Mr Mensaros	Mr Tubby
Mr Nanovich	Mr Watt
Mr O'Connor	Mr Young
Mr Old	Mr Clarko
Mr O'Neill	

(Teller)

Noes—18

Mr Bateman	Mr Harman
Mr Bertram	Mr Hartrey
Mr Bryce	Mr Jamieson
Mr B. T. Burke	Mr T. H. Jones
Mr T. J. Burke	Mr May
Mr Davies	Mr McIver
Mr H. D. Evans	Mr Skidmore
Mr T. D. Evans	Mr Taylor
Mr Fletcher	Mr Moller

(Teller)

Pairs

Ayes	Noes
Mr Grewar	Mr Barnett
Mr Coyne	Mr Carr
Mr Crane	Mr J. T. Tonkin
Dr Dadour	Mr. A. R. Tonkin

Clause thus passed.

Clause 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

GOLD BUYERS ACT REPEAL BILL

Second Reading

Debate resumed from the 26th August.

MR HARTREY (Boulder-Dundas) [8.56 p.m.]: I have much pleasure in supporting this Bill. I do not want to say anything at great length about it. The Gold Buyers Act has never been popular legislation in the goldfields. I congratulate the Government on proposing to repeal it. I support the repeal and I wish to go on record as saying that.

Question put and passed.

Bill read a second time.

In Committee, etc.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

LIQUOR ACT AMENDMENT BILL

In Committee

Resumed from the 26th August. The Chairman of Committees (Mr Thompson) in the Chair; Mr O'Neill (Minister for Works) in charge of the Bill.

Progress was reported after new clause 38 had been partly considered.

New clause 38—

Section 176A
added.

38. The principal Act is amended by adding immediately after section 176 the following section—

Advertising
to be
accompanied
by a
warning.

176A. Every advertisement which is either in writing or is communicated by word of mouth or pictorially (whether by television or radio or any other medium) and which advocates or encourages the purchase or consumption of liquor shall be followed immediately by a warning by the same medium in the following terms—"Medical authorities warn that drinking can be a danger to health".

Mr SKIDMORE: On the last occasion this measure was discussed I had just commenced to speak when I sought leave to continue my speech at a later stage.

The purpose of the amendment moved by the member for Mt. Hawthorn was to place certain restrictions on the advertising of liquor. On one occasion I visited the Australian Hotels Association on another issue and at that time I discussed with the committee the question of the involvement of the association in the rehabilitation of people who had been affected by alcohol. The hotel owners accepted their responsibility to the extent that it was suggested they should provide some of the funds towards the rehabilitation of alcoholics.

When this proposition was discussed I understood that would be their thinking in the matter. Unfortunately time has not produced any great hope from the people who sell alcoholic beverages, in spite of the promises made. As a result of the effect alcohol has on many people, and the number of homes broken up because of its effect on family life, I believe we should not encourage people to indulge in advertising liquor.

It appears the hotel people themselves are conscious of their responsibility, but so far have not produced any great hope in respect of the promise indicated earlier. It is time some effort was made by those people to play a part in the rehabilitation of those who are affected by the ravages of alcohol. I support the new clause.

Mr O'NEIL: I am a little surprised that we are still debating this issue, because earlier we rejected an amendment designed to lead into the provision we are now discussing. That amendment related to providing power to make regulations in respect of advertising. Those of us who have had anything to do with labelling legislation know that it is necessary to have regulations made which prescribe the

type and nature of the print which appears in advertising, its location in respect of the label, and a considerable number of other things.

So, firstly, there is no power in the legislation to enable these things to be prescribed; and, therefore, the size of the type used in advertising could be so small as to make the provision completely useless.

There has come into my possession a document entitled, "A Voluntary Code of Advertising Practice of the Brewing Industry". I am sure you, Sir, would not want me to read the document, but at the conclusion of my comments I would like to place it on the Table of the House so that members may examine it.

Mr Davies: Summarise it for us.

Mr O'NEIL: The document is signed by Mr L. S. Zampatti, and he has signed it in his capacity as Chief General Manager of the Swan Brewery, and also in his capacity as chairman of a regulatory advertising code committee. The document is issued by The Australian Associated Brewers and it involves breweries throughout Australia.

Mr Davies: What does it say?

Mr O'NEIL: I will summarise it by referring to a letter dated the 6th September, in which Mr Zampatti says—

You will note that the Code applies itself particularly to those areas by:

directing advertisements only to adult audiences;

excluding children from advertisements except where it would be natural for them to appear;

depicting persons drinking beer as being obviously over drinking age;

providing that no beer advertising should encourage over indulgence.

Mr Davies: When will they start, next week?

Mr O'NEIL: I thank the member for that facetious remark.

Mr Davies: It is facetious, too, when you think of some of the ads the brewery puts on television.

Mr O'NEIL: In fact an avenue is available for people who, like the member for Victoria Park believe breweries of any kind are breaching their own code of ethics, to make appropriate representations to this organisation.

Mr Davies: It is a profit-making business.

Mr O'NEIL: The member is making the accusation that the brewery is constantly in breach of its own code of ethics in respect of advertising. The document which I will lay on the Table of the House provides the member with the information he seeks.

With regard to the provision introduced by the member for Mt. Hawthorn, I clearly indicate that the Government again rejects his proposal; we will not have a bar of it.

The document was placed on the Table of the House.

Mr McPHARLIN: I believe the member for Mt. Hawthorn has not gone far enough, and, therefore, I propose to move the following new clause which is based on his new clause—

Section 176A added. 38. The principal Act is amended by adding immediately after section 176 the following section—

Advertising to be prohibited in certain cases and to be accompanied by a warning in others.

176A. (1) All advertising which is communicated by word of mouth or pictorially (whether by television or radio) and which advocates or encourages the purchase or consumption of liquor is prohibited.

(2) Every advertisement which advocates or encourages the purchase or consumption of liquor and which is not prohibited under subsection (1) of this section shall contain a warning in the following terms—

“Medical authorities warn that the excessive consumption of alcohol can be a danger to health”.

The CHAIRMAN: There is a new clause before the Chair which will have to be disposed of before a further new clause may be considered. Perhaps it would be appropriate for the Committee first to dispose of the new clause before the Chair, and then to consider any further amendments the member for Mt. Marshall wishes to move.

Mr McPHARLIN: If the present new clause is defeated, have I then the opportunity to move this as a further new clause?

The CHAIRMAN: The member cannot move his amendment until we dispose of the one already before the Chair by having it either withdrawn or defeated.

Mr McPHARLIN: Then, if the member for Mt. Hawthorn is in agreement, I suggest he withdraw his new clause so that we may proceed with the one I propose.

Point of Order

Mr O'NEIL: Mr Chairman, you have said that if the proposed new clause 38, is withdrawn or defeated we can then substitute another new clause 38. Could we continue to do that time and time again after each one is defeated?

The CHAIRMAN: The second proposed new clause may well be entirely different from the first. I see no reason that a second new clause cannot be proposed and I rule accordingly.

Committee Resumed

Mr BERTRAM: The foreshadowed amendment suggested by the member for Mt. Marshall is stronger medicine than the amendment currently before the Committee. Therefore, in ordinary prudence and to save the time of the Committee, I seek leave to withdraw my amendment.

New clause, by leave, withdrawn.

New clause 38—

Mr McPHARLIN: I move—

Insert after clause 37 the following new clause to stand as clause 38—

Section 176A added. 38. The principal Act is amended by adding immediately after section 176 the following section—

Advertising to be prohibited in certain cases and to be accompanied by a warning in others.

176A. (1) All advertising which is communicated by word of mouth or pictorially (whether by television or radio) and which advocates or encourages the purchase or consumption of liquor is prohibited.

(2) Every advertisement which advocates or encourages the purchase or consumption of liquor and which is not prohibited under subsection (1) of this section shall contain a warning in the following terms—

“Medical authorities warn that the excessive consumption of alcohol can be a danger to health”.

Recently, the Federal Government has seen fit to ban the advertising of cigarettes on radio and television. Despite the fact that this advertising is extremely well done, it has been realised at last the great impact it has on the younger generation, and the Government is to be complimented on its action.

The effect of smoking more than one consecutive cigarette could be open to debate. Of course, cigarette smoking does not have an immediate impact upon a person driving a motor vehicle, as does the excessive consumption of alcohol. The community spends a great deal of money in trying to prevent road accidents. The emphasis should be on prevention—the prevention of people becoming affected by the excessive abuse of alcohol. At present, there is no restriction on the advertising of spirituous liquors. We must appreciate the very strong impact

television has on the community, particularly on the younger generation, and this area should be examined to ascertain whether some degree of control is required.

Even in areas where there is no television reception, advertising is carried by the various radio stations, and this advertising also has a certain impact. It should be our aim to instill into the younger generation the dangers associated with the abuse of alcohol.

Statistics indicate that alcohol plays a large part in a great number of road accidents. In the recent collision on the Kambalda road, in which eight people were killed, and in the four-death accident at Belmont, alcohol was believed to be the major contributing factor. Unfortunately, it is the 17 to 25-year-age group which is most at risk in this respect.

Recently I had a discussion with a police sergeant involved with traffic control in the metropolitan area and he informed me that alcohol was a factor in over 90 per cent of cases involving head injuries treated at Royal Perth Hospital. It is obvious that there is a constant abuse of alcohol. I think the word "abuse" is preferable to the word "use" because, if "used" in moderation there is nothing wrong with the consumption of alcohol. I reiterate that it is the impact of television particularly that influences the younger generation and encourages them to partake of an excessive amount of alcohol which, in turn, can lead to a great number of road accidents, the break-up of family life, and the neglect of children.

A great cost is involved in the treatment of alcoholics, many of whom return time and time again to Heathcote. On many occasions alcoholics must be admitted to Royal Perth Hospital for treatment, so serious is their condition. One has only to talk to some of these people who have suffered from alcoholism to realise the seriousness of this problem. When one attends an Alcoholics Anonymous meeting and talks with some of those who have the courage to stand in front of their counterparts and recount their actions when under the influence of alcohol one realises what a shocking disease alcoholism can be.

The Alcoholics Anonymous organisation is doing a tremendous amount of good and is worthy of commendation. It caters for its own kind—for those who are willing to participate. They get together to help one another to fight against what they call a disease. They do not consider it a heavy drinking problem but a disease; once they start they cannot stop.

Mr Hartrey: That is the point.

Mr McPHARLIN: They claim also that the society in which they live influences them more and more to carry on drinking—

Mr Hartrey: And smoking marihuana and taking heroin.

Mr McPHARLIN: That is quite true. These people truly admit to themselves and to each other that they have been fools to themselves and their families. They would endorse any action which may assist in the reduction of the excessive abuse of alcohol.

When one attends functions a great amount of importance seems to be placed on the quantity of liquor to be consumed; and this appears to be most prevalent when one attends a young person's function. This is the greatest area of concern to me. Older people should be able to control themselves but the younger people try to exhibit maturity and manliness by thinking there is a great need for alcohol to be available.

Recently I attended a rural youth achievement day in the grounds of an agricultural high school where no spirituous liquors were allowed. Comments made to me afterwards by quite a number of young people were to the effect that the participants were paying a great deal more attention to the project in which they had to take part and showed a great deal more interest; and the day was voted a great success. When the ball was held in the evening the same restrictions did not apply and it was a much different sort of function.

The second part of the amendment I have moved gives us an opportunity to show that we are concerned about the problem of the disease of the abuse of alcohol in our society. The issuing of some sort of warning—whether it will be effective remains to be seen—at least would be an attempt to show the seriousness with which we view the excessive abuse of alcohol.

As a Parliament we have an obligation to offer some sort of warning to people of the dangers and to assist them, where possible, to keep down consumption. People are drinking to excess and are killing themselves and others; this has been illustrated too often. We have breathalyser tests and blood tests. They play their part but our aim should be to prevent people from becoming affected too greatly by excessive consumption of spirituous liquors.

The CHAIRMAN: Order! The member has two minutes remaining.

Mr McPHARLIN: It is interesting to note that in yesterday's issue of *The West Australian* there was an article headed "Don't drink" is the word in Sweden". It went on to say—

Sweden may have prosperity and high living standards but its Government is taking pains to ensure it does not become a nation of alcoholics.

The article said that the alcoholic content of beer in Sweden is to be reduced from 3.6 per cent to 2.8 per cent. It gives an outline of the country's place in international drinking statistics. The latter part of this article is quite interesting. It says—

The State Liquor Monopoly known as the Systembolaget, last year recorded sales of \$820 million, ranking it as the country's ninth most profitable concern ahead of international giants such as Swedish Match and the Scandinavian Airlines system.

The official Government policy is to limit consumption and the Systembolaget, which maintains a constant stream of propaganda on the virtues of moderation and of wine compared with hard liquor, plays a vital role in this.

The Monopoly's charter includes a clause that liquor sales should be discouraged, making it possibly the only company in the world trying to put itself out of business.

I think it is significant that the Government of Sweden—and we all know Sweden has a very permissive society—is becoming more and more concerned at the effect of alcohol on its society. I think this Parliament would be well advised to pay more attention to this aspect. If we were to agree to the amendment I have moved we would not be alone because another country is taking similar action as a result of the trouble that the abuse of alcohol is causing in that country. I understand also that the penalties for drunken driving in countries such as Sweden and Norway are very severe indeed.

The CHAIRMAN: The member's time has expired.

Mr BRYCE: Having advocated in this place some days ago that the time was ripe to ban the advertising of liquor but having said I was not prepared to introduce the amendment itself, I would feel somewhat of a hypocrite if I did not contribute further to this debate. During the course of my earlier remarks I gave notice that I would be happy to strengthen the wording of the amendment moved by the member for Mt. Hawthorn. Therefore, I am very pleased actually to support an amendment which seeks to ban all advertising, verbal and visual, which is designed to encourage the purchase and consumption of alcohol.

Many other countries have taken this step. I believe it would be a sensible thing for us to do. We would be doing a service to our community.

The aspect which concerns me greatly is the way in which advertising is aimed at the younger generation. Some publicity has been given in recent weeks to the concern being expressed and felt in different parts of the education system of our State. Recently a survey was conducted in Western Australia only in independent schools. I regret that it was not conducted in Government schools because many people are concerned with the spread of the drug problem associated with alcohol in all schools. There should be no doubt in

anybody's mind that the most serious drug problem in this community concerns not LSD, pot or heroin but the consumption and abuse of alcohol. The figures made available to us through the Health Education Council's report clearly illustrate that there is a growing problem associated with the abuse of alcohol at the age which involves students in secondary schools.

Bearing in mind that so much advertising for alcohol is aimed at the younger generation and that it is implied so often that it is impossible for young people to enjoy themselves or to feel normal unless they consume alcohol, if we were to take action in this Chamber at this stage of the debate to prohibit the advertising of alcohol we would be doing these young people a great service. The pressures which bombard the younger generation from so many different directions in our community should not be added to by the pressures of advertising in this form which, in my view, can lead only to inevitable difficulty for some of these people.

We should not make their problems greater. We should certainly not aid and abet any efforts to add to those problems. So far as the schools are concerned the problem brought about by all the sophisticated drugs added together does not equal the problem which has been expressed in respect of the consumption of alcohol.

I understand that the provision in section 168 was written into the Act following the Adams report in the late 1960s. It provided that when the Treasurer saw fit, moneys from time to time could be appropriated by Parliament to the Minister for Education as was necessary to establish and to assist in the conduct of educational programmes to discourage intemperance with regard to alcohol.

It is reasonable and logical that, rather than expect the Treasurer to allocate money to the Minister for Education to conduct educational programmes to discourage intemperance, a very constructive step on the part of this Parliament would be for us to take action to prevent the breweries and the manufacturers of other liquor from actually encouraging and pushing the consumption and the purchase of alcohol.

As that provision was written into the Act in the 1960s following the Adams report, it would be consistent at this stage, some eight years later, when there is an equally compelling need to reduce the bombardment and the pressures that are aimed particularly at the younger generation to convince them that they will not enjoy themselves and are not quite normal if they do not indulge in the consumption of alcohol, to adopt the new clause.

Members who feel that they must rely on a precedent before they do anything will find one. If they do not feel confident about taking the plunge into an area which

is new and original, they will find precedents in other parts of the world to show where this particular step has been taken.

Mr Cowan: What were the results?

Mr BRYCE: I will probably need more than 15 minutes to deal with the dark alleys of the arguments associated with that matter. I suggest that a precedent has been set, and I think it is a healthy one. So far as Australia is concerned, very recently a precedent was set with regard to the advertising of the act of smoking tobacco. This legislation brought in at the Federal level is an important precedent. I would point out that precedent also has been established in other parts of the world in regard to the advertising of alcohol.

I believe the time is ripe for Western Australia to become a trail-blazer. If we take this step by agreeing to the new clause we will be the first State to do so. I support the new clause wholeheartedly.

Mr FLETCHER: When I spoke in the Committee debate previously I gave some statistics to members. I noticed that the member for Mt. Marshall was listening very intently at the time. I mentioned the statistics relating to the private schools, to which the member for Ascot has made reference, which indicated that more than 80 per cent of fifth-year girls attending two Perth independent schools drank between one and 20 7-ounce glasses of beer in one sitting. I went on to indicate the impact that this had on the boys. Strangely enough the boys drank to a lesser extent.

I went on to say—

If members argue that a spoken or printed warning would be as ineffective as the warning is in respect of smoking, let them amend the amendment so that advertising is banned altogether. I would be pleased to support an amendment to ban advertising, and I know the member for Mt. Hawthorn and others on this side would support it.

We should not condone the media thrusting liquor down the throats of our susceptible and vulnerable youth.

I congratulate the member for Mt. Marshall, not because he agreed with me, but for trying to achieve something that will be beneficial to the people of this State, particularly to the youth. At the time I also said—

I am also concerned about the influence of liquor on road traffic accidents.

The member for Mt. Marshall supported my comment. I also said—

I am sure the advertising of liquor is a contributory factor to the filling of our hospitals with young people, and the creation of quadriplegics and paraplegics who are a cost on the State

for their lifetime; and this will continue to be the case as long as liquor is advertised in the manner in which it is.

The CHAIRMAN: The honourable member has already made those remarks previously. This is a case of tedious repetition.

Mr FLETCHER: On that occasion I pointed out that if this amendment had been moved by members opposite we on this side of the Chamber would be pleased to support it. I hope what I said then has had some influence on the member for Mt. Marshall.

Mrs CRAIG: Whilst I appreciate the motive behind the new clause and I would like to feel that I could absolve my conscience by agreeing to the proposition I cannot do so. We all recognise that the mere placing of a warning on containers of alcohol is a method of absolving our consciences. We know that today the consumption of alcohol is a grave social problem. If parents set an example to their children the children will follow it, and if they drink vast quantities of alcohol, the children probably will do the same. If the parents consume large quantities of alcohol at home, then no-one can convince me that what their children see on television will influence them. It is stupid for people to say that piecemeal this is a method which will assist the community.

We have spent many hours in debating amendments to the Liquor Act, many members on both sides of the Chamber have advocated that hotels should remain open for trading for longer periods, and it has been suggested that they should be permitted to remain open all day Sunday, so that people, instead of spending the time at home with their families, will be able to drink all day at the hotels. That was the gist of what they said.

Mr Jamieson: That has nothing much to do with the situation now before us.

Mrs CRAIG: It has everything to do with the situation, because people who want to appear as knights in shining armour in supporting the new clause say it will make a difference.

Mr Jamieson: There are labels on bottles of poison.

Mrs CRAIG: We all know that the consumption of alcohol has created a grave social problem, but it is certainly not a problem brought about entirely by advertising. Alcoholism is an illness, and I do not think anyone can deny that. Children with parents who do not drink at home may start off in life with an advantage. It is not simply the advertising of alcohol that will affect them. There is a great need for education in the schools, in the home, and among all people in the community, on the dangers of alcohol, and on the need for observing some degree of temperance. I do not believe that this method of simply banning the advertising of alcohol will be effective.

Mr SKIDMORE: I rise to support the new clause proposed by the member for Mt. Marshall. However, having spoken on this issue at length previously I do not intend to canvass the same ground. I merely say that I give unqualified support to the proposal.

I also wish to disabuse the thinking of the member for Wellington. I am not one of those knights in shining armour. We have not salved our consciences by agreeing that advertising should not take place and that there should be a warning on containers of alcohol. I want the honourable member to know that I am personally aware of the troubles which occur as a result of people consuming far too much alcohol and becoming complete and utter alcoholics. I am also aware of the splendid work done at the Martindale Hospital for alcoholics. My experience of that hospital has not been as an alcoholic. I have gained experience by trying to help the unfortunate people so affected.

We could easily sit back and do nothing and let the problem remain with us forever and a day, but that would be doing exactly what the member for Wellington suggests we are doing under the new clause. I consider that the provision would be a step forward, albeit a small step. If we can help one or two out of every hundred children who are continually beset by the advertising media—whether on television or the radio—which glamourises the drinking of alcohol, we will have achieved something.

It is not suggested by anyone on this side of the Committee that this amendment is the be all and end all of the situation. The problem connected with alcohol is one of sickness and is very difficult to overcome. It is a damn sight more difficult to cure the disease than to prevent the disease occurring.

I thank the member for Mt. Marshall for moving the new clause and the member for Mt. Hawthorn for withdrawing his in order that we might debate the one before us which I support in its entirety.

Mr DAVIES: Both the previous speaker and the member for Wellington mentioned something about a warning being put on cans or bottles of alcohol. As I understand the situation, such a provision is not contained in the amendment which bans advertising on radio or TV and pictorially.

There is an analogy between what is proposed now and what was proposed in connection with the banning of cigarette advertising. That proposition was considered for a number of years by various authorities, but no-one was remotely interested. The stumbling block was that in connection with radio and television we could do very little because of Australian Government control. I am afraid this is where the proposal before us might regrettably founder. Like the previous speaker I consider there is a need to alert the public to the dangers of excessive use of alcohol.

As I say, although the proposition concerning the banning of cigarette advertising was considered on many occasions at Health Ministers' Conferences and had received considerable support, it was impossible to get past the Australian Government. Then, suddenly, for no reason at all that I have been able to ascertain, the Health Ministers were summoned to Sydney. I think Senator Anderson was the Australian Government Health Minister of the day who announced that the Australian Government had decided to take action in connection with the matter. The only point to be decided—and I do not think it would have mattered had the States objected, because the then Australian Government had made a decision on the matter, this being one of the few good things it did—

Mr O'Neil: What you are saying is that we do not have the legislative competence to do this?

Mr DAVIES: Yes.

Mr O'Neil: I think you are probably right.

Mr DAVIES: Although I wish the proposal well and would like it to be carried, I think the provision may be subject to challenge by the Australian Government.

Mr Bertram: Have you looked at section 113 of the Australian Constitution?

Mr DAVIES: Not lately. This was the difficulty encountered when we were trying to do something in regard to the banning of cigarette advertising and I think it will be for the same reason that the provision in the amendment will founder. However, I support the new clause and congratulate the member for Mt. Marshall on his intention.

I also wish to say that like most members, I am aware of the enormous cost to the community of trying to deal with alcoholism. We know what our own ADA is costing us and that is about to blow up at any time because of happenings in recent days. That is a matter for sincere regret because that organisation was establishing some success.

The fact remains that members of this Chamber should support anything they can to indicate to the public that there is a danger in excessive consumption of alcohol.

Education and parental example, mentioned by the member for Wellington and the member for Swan, are to be applauded and are a very necessary part of the programme.

What I really rose to speak about was the code mentioned by the Minister for Works earlier this evening. The code is highly desirable, but those responsible for it are in business to sell alcohol, and as much of it as they can. The fact that they direct advertising to only adult audiences does not mean that only adults will

take notice of it. It means that children could be affected. Children above the age of two and under the age of 18 are banned from seeing certain movies because it has been proved that a two-year-old child can be affected particularly by violence on the screen. I do not think that at that age a child could be affected by sex displayed on the screen, but it can be by violence. At that age children are impressionable and even though advertisements may be directed only at adults, it does not mean that other than adults will not be taking notice.

The code stipulates that the manufacturers will exclude all children from advertisements. This is only natural. I am sure they would not depict a child having a sip of Dad's beer or a pot of its own.

The code indicates that the advertisements will depict only persons obviously over drinking age. This is debatable, too. I think it would be very hard to establish that some of the people in the advertisements I have seen are 18 years of age.

The code indicates that no advertising of alcohol should encourage over-indulgence. That objective is to be applauded. However, the code further states—

considering, nevertheless, that it is legitimate for advertisements:

1. to indicate that the industry's products give pleasure to many, are of high quality and are widely enjoyed in all classes of society;

That legitimate point in the code negates all the other high intentions it has.

It is said that liquor gives pleasure to many, it is of high quality, and is used by all classes of society. That completely negates some of the high sounding intentions which I have already mentioned.

The code then goes on to say that it is legitimate for advertisements—

- (2) to seek to persuade people to change brands and/or type of drink, and to provide information on new products;

That is asking people to consume liquor. The code continues—

- (3) In pursuit of these objectives to employ such accepted techniques of advertising presentation as are not inconsistent with the spirit or letter of the detailed rules set out below;

The code then sets out a number of rules, already dealt with briefly by myself. The code concludes by stating that if one has any objection to advertisements one can write to The Australian Associated Brewers in Carlton, Victoria. Quite an appropriate address, I should imagine!

I have been sitting here for half an hour trying to think of a situation where I could object to an advertisement which went outside of that code in some respect or another. The sole purpose of those rules, high sounding as they may be and as

desirable as they may be, is to encourage society to drink. That is exactly what the member for Mt. Marshall is complaining about: Advertisements on radio, television, and pictorially, encourage people to drink.

Attention already has been drawn to the dire consequences of alcoholism. It is a growing problem in all parts of the world and is costing tremendous sums of money. We will never stamp out drinking, and I do not think we want to stamp it out. By the same token, if we can encourage people to be temperate, and not place them in a situation where they are encouraged to do something we would rather not see them do, I would be in favour of the action proposed in the amendment set out by the member for Mt. Marshall.

I have my doubts regarding the success of the proposal, because the warnings following cigarette advertising were not at all successful. However, let us not use that as an excuse for not going on, but rather as a reason for continuing to try to stamp out alcoholism and to this end, restrict advertising.

Mr HARTREY: In the many inquiries that precede the canonisation of a saint there has to be an *advocatus diaboli*—a devil's advocate. I suppose I must place myself in this unhappy role tonight because I am certainly going to denounce and vote against the proposal moved with considerable eloquence and sincerity by the member for Mt. Marshall. I am sure the proposal was very well intended, but it is one thing to have good intentions; good intentions lead to nothing unless they are designed and also adapted to achieve the object for which they are introduced.

Is this remarkable proposition adapted to do anything that has not been done with some considerable failure already? The proposition is that certain liquors apparently are not to be advertised at all. In so far as advertising of certain things is not forbidden, then there must be a warning to accompany any advertising.

We have had a warning already in the case of cigarettes and it has done nothing except exasperate the people on whom it is perpetrated. I am perfectly convinced that if one took a questionnaire from door to door of those homes with television sets, and asked for a reaction to that wretched slogan at the end of every cigarette advertisement, it would be unfavourable.

Mr Clarko: It was not dull enough!

Mr HARTREY: It was dull enough for me. I am not a smoking man so it did not affect me. It was not likely to start me smoking, and it was not likely to stop me from smoking because I had not started. However, the slogan does annoy me. The same thing will occur with regard to alcohol. Prohibitionists will get sick and tired of being told to keep off the booze. The same thing will apply to a much wider section of the community than those who are bitterly opposed to the consumption of alcoholic beverages.

I admire the sentiments of any person who believes that in no circumstances should alcoholic beverages be consumed by anybody; that is an extreme stand. A man may have had a bad experience in his own lifetime—perhaps a drunken father or, even worse, a drunken mother. Perhaps he will never forget that experience and he hopes to God that everybody else will be preserved from that experience for the rest of his life, and he completely turns against the beverage which has cursed his life.

That is an extreme point of view. The vast majority of people are accustomed to the conviviality of consuming alcoholic beverages in company. A man in an hotel, drinking with the flies, is quite rare. No average normal man, of his own free will, deliberately goes into a hotel and buys one bottle and takes it home, locks his door, and drinks by himself. There may be such a rare person but he would be some sort of freak. That is not the type of person we want to legislate for.

The alcoholic is the unfortunate person born frequently with an allergy to alcohol, the same as some people have an allergy to oranges or eggs. It means they should not touch those substances. Alcohol is such a substance. Some people are allergic to house dust, and that is one thing that cannot be stopped. Such a person will almost choke two or three times a year, almost to the point of death, but nothing can be done for him because house dust cannot be prevented. Most other substances can be avoided.

An alcoholic will not stop drinking alcohol as a result of advertisements being placed in the newspapers to the effect that he should not do it. That is too silly for words. The proposal will do nothing except, as the member for Wellington has said, save our consciences. I have a conscience and sometimes it judges me severely and justly. However, I do not think I wish to save my conscience by voting for something which is unrealistic. I intend conscientiously to vote against the proposal which, if accepted, will be unpopular and will not achieve the objective intended and, ultimately, will prove to be a complete waste of the time of this Legislature.

Mr McPHARLIN: I express my appreciation to the members who have spoken in support of the new clause I proposed. Most of them referred to the pressures and the effect of television advertising, particularly on school children and young people. Not only does television have an impact but many other pressures also are exerted. The member for Fremantle gave us some figures from a survey conducted at a certain school on the incidence of drinking among school children.

I was surprised to hear what was said by the member for Wellington. We all agree education is necessary. It has been advocated and put into practice over the

years but it has not had the desired effect. It is therefore surprising to hear a member say that television does not have the effect we think it has. Television does make an impact, and its impact becomes greater, particularly on younger people, as more television sets are sold. Do not let us sit down and do nothing about it. By all means let us educate people in this direction, but if my amendment were agreed to it would be another step in the right direction.

The member for Swan agreed that the amendment I have proposed would be a small advance, and I believe it is a step forward.

The member for Victoria Park quoted from a code which recently came into his hands and which he considered was aimed at encouraging people, through advertising, to drink more.

The comments of the member for Boulder-Dundas surprised me. He said some people are allergic to house dust. The relevance of house dust to the consumption of alcohol is beyond me. There is no relevance whatsoever.

Mr Hartrey: People can become allergic to it, just as they can become allergic to alcohol.

Mr McPHARLIN: Alcoholism is more than an allergy; it is a disease. I have never heard of house dust causing a disease. The member for Boulder-Dundas said he could not in conscience vote for my amendment. I know the honourable member has a conscience and I have great respect for him. But is he going to vote against a measure which is a step in the right direction and which could perhaps have some effect in encouraging young people not to partake of alcohol? What will his conscience say to him if he votes against this amendment? He will have it on his conscience that the incidence of alcoholism will continue unabated and that young people will be influenced to indulge in alcohol to excess by the advertising they see daily. What the member for Boulder-Dundas said does not carry any weight with me.

The member for Victoria Park raised the question whether or not the Federal Government would become involved in this matter. I have not had time to make inquiries into that aspect, but we administer the Liquor Act in this State and I believe it is within our jurisdiction to make amendments to the Act. If our legislation is in conflict with Federal legislation, it is up to us to tell the Commonwealth Government what we want.

No-one is suggesting this is a panacea which will cure the problem overnight. Of course it will not. The cigarette warning was not very striking but it was constant.

Mr Hartrey: It was irritating.

Mr McPHARLIN: It may have been irritating but the Federal Government has now seen fit to ban cigarette advertising,

so the message must have got through as time went by. If my amendment were agreed to it would certainly be irritating to many people, but many other people would accept it. My concern is for the younger generation in particular, and I hope the Chamber will support the amendment.

Mr BRYCE: The thrust of this amendment is clearly contained in the first portion of it. The comments made by the member for Wellington and the member for Boulder-Dundas tended to emphasise the latter portion of the amendment. The thrust of the amendment suggests that advertising to encourage the consumption and purchase of alcohol be prohibited. The member for Boulder-Dundas and the member for Wellington spent some time ridiculing the advertisements which were used in a similar manner—

Mr O'Neill: If a wine steward in a restaurant suggested you have a certain wine, he would be guilty of an offence.

Mr BRYCE: The Minister can make his points in reply. The member for Wellington and the member for Boulder-Dundas tended to sidetrack the Committee by focusing attention on the latter portion of the amendment and suggesting the amendment would do for alcohol what advertising restrictions had done for cigarette smoking. We are suggesting the real thrust of the amendment is involved in the first portion of it. If any cynic stands in this Chamber and says the advertising of alcohol does not encourage its consumption, he is simply flying in the face of reality. He is in effect telling the multi-million dollar advertising agencies that they are wasting their time—that every time an advertising agency accepts a contract to push the sales and promotion of cigarettes or alcohol it is deceiving its client. It has been argued in this Chamber by members who have adopted that line that advertising will not increase the sale of the commodity.

Mr Sodeman: Who said that?

Mr BRYCE: The member for Wellington and the member for Boulder-Dundas.

Mr Sodeman: No-one said it.

Mr BRYCE: At least it has been implied. In our society a great deal revolves around advertising. If one sells compost tumblers, television or radio sets, motorcars, or anything else, it is recognised that if one is prepared to spend freely and engage an advertising firm one will increase the sales of one's commodity. I will be suggesting to the Committee this is what we are aiming at with regard to the amendment: that if advertising is prohibited consumption could fall.

Although I have emphasised that the younger generation are most susceptible at that particular stage of their lives when their attitudes are being formed, a fair

proportion of the middle-aged and older people are also subjected to the pressures of our technological and sophisticated era and would be influenced by the messages contained in many forms of advertising designed to push the sale of liquor.

I am sorry that the member for Wellington is not here at this stage—I sincerely hope it is just because she is having a cup of coffee. She suggested to the Committee that we should do nothing; that parental example is the most important thing; and that we have moved this amendment to appease our consciences. I suggest her three principal arguments have been debunked completely by her own Liberal Party colleagues in the National Parliament recently when they took action in regard to the advertising of cigarettes along the lines of the action we are suggesting here. The honourable member's argument should be rejected and the amendment supported.

Mr HARTREY: The last speaker alleged, and I think with some degree of truth, that my remarks were more confined to the irritating aspect of a warning being broadcast all over the place than to the other alternative proposition of abolishing advertising altogether. I did that because I do not think anyone seriously views with any favour the idea of abolishing such advertisements altogether. Such a proposal would be the first step along the road to that horrible goal which was achieved in the United States in 1919 and repented by everyone bitterly until 1933—the prohibition of all alcoholic beverages. That did not achieve anything good at all. In fact, it stimulated drunkenness, disorderliness, and the disastrous abuse of alcohol which we all abominate. The first step is to prohibit something and then to prohibit something more. Every law we pass prohibits something and it imposes a penalty on some action which did not carry a penalty yesterday.

One of the things we wish to do now is to abolish, under penalty, the advertising of alcohol. Let us consider whether what the member for Ascot said is so true. The net result of an enormous advertising campaign for Ford motorcars does not result in the sale of more motorcars over all. It would simply divert sales from Holdens, Chryslers, or some other make of motorcar on the market.

Would the large-scale advertising of a variety of Seppelts wine increase the consumption of alcohol over a given period? Advertising has no control over the amount of alcohol sold, but rather this is affected by our standard of living and the amount of money we have to spend. If one has a limited amount of money to spend on alcohol and a big campaign has been undertaken for Seppelts wine, it is likely that one would buy more Seppelts wine but not more wine altogether. That is the fallacy of the argument. It does not follow

that because alcohol is being advertised more will be sold over a year. We all know that manufacturers cut each other's throats and one does not have to be a great philosopher or a brilliant teacher of youth to appreciate that.

I do not want to waste the time of the Legislative Assembly any further. I hope we will come now to a vote, but before we do come to it, let me emphasise that the reason I spoke about the futility of publishing warnings was that I feel there is very little we can do about it in this Parliament. What they do in Canberra is of little interest to me—including throwing glasses of water around the Chamber. I am concerned with the workings of this Parliament and I do not think members here will take the first step towards prohibition.

Members may be persuaded to adopt the peculiar formula advocated recently by the member for Mt. Hawthorn but if it is to be a step in the direction of prohibition I am very strongly opposed to it. All history is with me on this point because I am quite old enough to remember when prohibition was enacted in the United States. I am aware of the tremendous increase in the murder rate in Chicago which went on for year after year in the bootlegging trade period. Thank God we outlived that very ill-advised step and I ask members not to start along the same path.

Mr BRYCE: I feel obliged to make a point very briefly. It is a minor point, and I realise I cannot compete with my learned friend, the member for Boulder-Dundas, for memory in respect of the argument he put to the Committee about prohibition. I can rely only on what I have read about prohibition, as I cannot remember it. Therefore, I suggest the Committee should be informed that none of the members to whom I have spoken and who support this amendment believe that the consumption of alcohol should be prohibited in any way. Any suggestion that this is the first of a series of steps to lead to prohibition *vis-a-vis* America in the 1920s—

Mr Hartrey: This is the way it started in the United States.

Mr BRYCE: —is a great deal of poppycock. If I remember correctly, the member who moved the amendment indicated this. I believe this point should be made. I would be the last one in the world to stand in this place to support any move designed to prohibit the consumption of alcohol. However, I draw the attention of the Committee to the fact that there are very clear dangers to our society if advertising is permitted to continue in the same way as it has in the past.

Mr JAMIESON: I have listened for some time to this rather remarkable debate. It is remarkable because some of the people who have contributed to it are not prepared to see what is going on about them. I refer particularly to the member for Wellington who, as a parent, should have

appreciated the situation that has developed over the past few years. One alcoholic beverage has become very popular only because of an excessive advertising campaign. I am referring to Bacardi which is now a favourite drink with teenagers. This beverage was never heard of in our young days but now nearly every teenager likes to drink Bacardi and Coke or Bacardi and something else.

This is an example we have seen with our own eyes, and I do not know how any responsible parent can discard it as being of no consequence.

As for her other examples of parents, I do not know whether these would do much good. The parents of some members of this place have set examples in respect of the political persuasion members should follow, and if they came back and saw where their children now sit it would be quite a disaster to them. Therefore, I do not think that is a good example. I have seen the children of some very drunken parents turn out to be quite distinctly against alcohol, whereas others have followed the example set by their parents. Next week one of the distilleries may come across another palatable drink of the Bacardi type, and induce the younger generation to consume it.

In my experience, in the late teenage years I found most people were inclined to sneak a drink of beer but were not interested in the other types of liquor. It is due to the sophisticated advertising of the last several decades that the younger generation consume this type of alcohol.

Therefore, I think we must take some action of this kind. It is not a form of prohibition. In the countries of the eastern bloc I have visited there is no advertising for liquor or tobacco, but nevertheless there is plenty to be had. It is not prohibited, and everyone knows it is available.

As a result of my own experience I believe the proposition of the member for Mt. Marshall is a just one. No doubt he has experienced what I have experienced over the last few decades; and if other exotic drinks are brought onto the market, let young people try them by all means, but do not let the liquor be shoved down their throats by sophisticated advertising.

Mr BERTRAM: I thought the member for Boulder-Dundas would quote section 113 of the Australian Constitution for the benefit of the member for Victoria Park. He did not, but I can assure the member for Victoria Park that section was read on a previous occasion, and there is a solid body of opinion that this Parliament can legislate within its powers along the lines of the new clause now before it.

I was surprised to hear the member for Boulder-Dundas say there should be no warning in relation to things which are dangerous. Alcohol is regarded as being dangerous by many people who are good judges. Therefore, I see no objection to pointing out this danger and giving a

warning. The comments of the member for Boulder-Dundas cause me to repeat what I have said before; that the new clause I proposed, and that proposed by the member for Mt. Marshall, are not designed against the use of alcohol or its prohibition; they are directed fairly and squarely at the abuse of alcohol and the abuse of advertising alcohol.

The Minister handling this Bill has been extraordinarily silent tonight, which causes me to wonder because it is not as though he does not possess eloquence when he has a case.

Mr O'Neill: We are discussing the new clause moved by the member for Mt. Marshall, not by me.

Mr BERTRAM: He laid on the Table of the House the code of ethics of the brewers. Well, that is of interest, but we recall the words spoken by the member for Morley on the last occasion the Committee considered this Bill; and in a few moments I shall mention what the Senate Select Committee had to say about such codes of ethics. In any event, the brewers do not sell all of the liquor that is available; and they sell a far less lethal brew than the Bacardi type of liquor that has been referred to.

The Minister also said something to the effect that a waiter or steward would breach this new clause if it were carried. If the new clause is carried on the basis of good sense, humanity, and prudence, there would be good reason to bring in an amendment of the type that was debated earlier to define "advertising" for the purpose of proposed new section 176A. That would be something which would be done by regulation by the Government and would be done in a sensible manner.

I do not mind the members for Wellington and Boulder-Dundas, and others, holding their views on the efficacy of warnings or bans on advertising. The only trouble is that there is overwhelming world opinion to the contrary. It is not only a case of Governments passing laws, but of the laws being persisted with all over the world in the face of strenuous opposition.

When the ban on cigarette advertising was imposed in the United States, the people pushing cigarettes went to extreme lengths to defeat the will of the Parliament and the will of the people, well knowing what the will of the Parliament and of the people was. They went to extraordinary limits—immoral and criminal limits—to defeat the Parliament and the people. Governments are there to get votes, not to lose them, and this just shows the extraordinary weight which must be behind the Government's persistent attempts to frustrate advances in this area.

Cigarettes do enough harm—we have argued about that many times before. However, I do not think anybody seriously

puts the suggestion that cigarettes cause anywhere near the damage and expense which flow from the abuse of alcohol.

Whether or not members like it, the fact is that the World Health Organisation regards alcohol as a drug, and people who do not support this amendment are in fact supporting the pushing of a drug in the form of alcohol.

Mr O'Neill: Why do you not ban it altogether? That is really what you are after.

Mr BERTRAM: It appears that the Minister shortly will be hopping into the debate.

Mr O'Neill: No, you are making a big enough mess of it without me.

Mr BERTRAM: And I intend to continue. The WHO regards alcohol as a drug, and to push it by advertising amounts to pushing a drug. Let the Minister argue against that point, if he can.

Mr Hartrey: Why do you not ban coffee advertisements?

Mr BERTRAM: We know there are degrees of drugs. It also happens to be known that the greatest drug problem is alcohol; I do not think anybody seriously argues about that. Perhaps the Minister can also put that argument right, if he believes it to be inaccurate. There has been an abundance of inquiry into this issue the world over; it is nothing new. This principle has been implemented, sustained, and persevered with all over the world.

In addition, in Australia we had the Senate Select Committee on Drug Trafficking and Drug Abuse which was composed of members from the three major political parties in Australia. Its report was brought down in 1971, and makes very interesting reading. Under the major heading "Principal Recommendations" and the subheading "Advertising" the following statement appears at page 4—

The granting of tax concessions for all drug advertising should be discontinued.

One of the senators, not believing the recommendation to be sufficiently strong, had a few words of his own to say at page 95, where the following appears—

Recommendation 10—Advertising

The Committee's recommendation does not go far enough. Sufficient evidence was received to show that the self-regulation of the Drug Industry was not to be trusted and that the intention of Government Regulations were and will continue to be ignored. The promotion to the public of drugs of abuse greatly leads to their becoming socially acceptable especially to the young and this promotion should be discontinued. My conclusion is that a ban be placed on all TV and radio

advertising of all pharmaceuticals, including minor analgesics, tobacco and alcohol and that the co-operation of States be invited to limit all other forms of advertising not under Commonwealth control.

At page 5 under the heading "Treatment and Rehabilitation" the following recommendation is made—

The sum of \$5 000 000 should be made available immediately for distribution to the States for the provision of facilities and staff for the treatment and rehabilitation of drug dependence, including alcoholism.

Members opposite have had the temerity to say that advertising has no impact. I hope that when, shortly, the Premier announces there is to be an election, he will put this principle into effect, and we will not be seeing any Liberal Party advertising. According to them, it will be a waste of money because it will have no effect.

The CHAIRMAN: The member has three minutes remaining.

Mr BERTRAM: At page 10 under the heading "General Observations" the following statement is made—

Although there is no doubt that abuse of drugs is growing in Australia, the use of illegal drugs has not reached the epidemic proportions being experienced in other parts of the world. Drug abuse in Australia is not confined to any single age group or segment of society, and of the many drugs abused alcohol causes the greatest social problem.

Recently I quoted the actual cost to Australia in loss of production and certain other directions due to the abuse of alcohol; the figure far exceeds the total Western Australian Budget. Yet we are told that we must sit mute and do nothing—throw up our hands in complete defeatism and not set an example. Certainly, we should not follow the steps taken by other responsible Governments around the world.

I appreciate that the member for Mt. Marshall has taken the initiative to stiffen up my amendment, which I withdrew at his suggestion. It was heartening to see somebody from the Government side taking this matter seriously, and I certainly hope sufficient members in this Committee will recognise the real virtue of what he is seeking to do.

New clause put and a division taken with the following result—

Ayes—19

Mr Bateman	Mr Jamieson
Mr Bertram	Mr T. H. Jones
Mr Bryce	Mr May
Mr B. T. Burke	Mr McIver
Mr T. J. Burke	Mr McPharlin
Mr Davies	Mr Skidmore
Mr H. D. Evans	Mr Stephens
Mr T. D. Evans	Mr Taylor
Mr Fletcher	Mr Moller
Mr Harman	

(Teller)

Noes—22

Mr Blaikie	Mr Old
Mr Charles Court	Mr O'Neill
Mr Cowan	Mr Ridge
Mrs Craig	Mr Rushton
Mr Grayden	Mr Shalders
Mr Hartrey	Mr Sibson
Mr P. V. Jones	Mr Sodeman
Mr Laurance	Mr Tubby
Mr Mensaros	Mr Watt
Mr Nanovich	Mr Young
Mr O'Connor	Mr Clarko

(Teller)

New clause thus negated.

Progress

Progress reported and leave given to sit again, on motion by Mr Clarko.

House adjourned at 10.44 p.m.

Legislative Council

Wednesday, the 8th September, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (7): ON NOTICE

1. KWINANA FREEWAY EXTENSIONS

Alteration of Route

The Hon. R. F. CLAUGHTON, to the Minister for Health representing the Minister for Transport:

- (1) In respect of the letter from the Minister for Traffic to the Combined Societies for Perth's Rivers (11th August, 1976) in which the Minister states in part, "(The Societies) technical criticism of the Kwinana Freeway project contains . . . incorrect assumptions . . ." would the Minister advise—
 - (a) the most important of the assumptions he regards as incorrect; and
 - (b) the errors of fact in the Societies' document?
- (2) (a) Is it the Minister's view that details of the Kwinana Freeway extension as ratified by Parliament cannot be altered;
 - (b) have any alterations to the project as ratified been adopted or approved by the Minister?
- (3) Is it a fact that the 1989 traffic on the Narrows Bridge is forecast at 158 000 by the Main Roads Department?

The Hon. N. E. BAXTER replied:

The information requested by the Hon. Member will take some time to collate. I will forward it to him as soon as it is available.